

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)
 —

DATE AND TIME: WEDNESDAY, MAY
28, 1997
 9:30 A.M.

PLACE: BOARD ROOM
 8800 CAL CENTER
 DRIVE SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C. DRAIN,
RPR, CSR
 CERTIFICATE NO.
7152

BRS FILE NO.: 39110

APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN
MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER.
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE
OFFICER MS. KATHRYN TOBIAS, LEGAL COUNSEL

MS. MARLENE KELLY, BOARD SECRETARY

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ITEM 12: CONSIDERATION OF STATE
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C: AB 1383

E: SB 675

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ITEM 13: CONSIDERATION OF STAFF
RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND
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ITEM 14: CONSIDERATION OF STAFF
RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND
RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND
NDFE FOR THE CITY OF SOUTH GATE, LOS ANGELES COUNTY

ITEM 15: CONSIDERATION OF STAFF RECOMMENDATIONS
ON THE ADEQUACY OF THE COUNTYWIDE SITING ELEMENT FOR
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ITEM 16: CONSIDERATION OF STAFF RECOMMENDATIONS
ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED
SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF
HUNTINGTON BEACH, ORANGE COUNTY

ITEM 17: CONSIDERATION OF STAFF RECOMMENDATIONS
TO CORRECT THE BASE YEAR, 1995 AND 2,000 PROJECTIONS FOR
THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING
ELEMENT FOR UNINCORPORATED ORANGE COUNTY

ITEM 18: CONSIDERATION OF STAFF RECOMMENDATIONS
ON THE ADEQUACY OF THE PREVIOUSLY DISAPPROVED SOURCE
REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF COLTON, SAN
BERNARDINO COUNTY

ITEM 19: CONSIDERATION OF STAFF RECOMMENDATIONS
ON THE ADEQUACY OF THE PREVIOUSLY DISAPPROVED SOURCE
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SAN BERNARDINO COUNTY

ITEM 20: CONSIDERATION OF STAFF RECOMMENDATIONS
ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED
SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF
MILPITAS, SANTA

CLARA COUNTY

ITEM 21: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR UNINCORPORATED SOLANO COUNTY

ITEM 22: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF CAMARILLO, VENTURA COUNTY

ITEM 23: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF SANTA PAULA, VENTURA COUNTY

ITEM 24: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF THOUSAND OAKS, VENTURA COUNTY

ITEM 25: CONSIDERATION OF STAFF RECOMMENDATIONS TO CORRECT THE 1990 BASE-YEAR DISPOSAL RATE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF FREMONT, ALAMEDA COUNTY

ITEM 26: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE COUNTYWIDE SITING ELEMENT, SUMMARY PLAN, AND COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN FOR CALAVERAS COUNTY

ITEM 27: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF FOWLER, FRESNO COUNTY

ITEM 28: CONSIDERATION OF STAFF RECOMMENDATIONS TO CORRECT THE BASE-YEAR TONNAGES FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF BAKERSFIELD, KERN COUNTY.

ITEM 29: CONSIDERATION OF STAFF

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RECOMMENDATIONS TO CORRECT THE BASE-YEAR TONNAGES FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY AND COUNTY OF SAN FRANCISCO

ITEM 30: CONSIDERATION OF STAFF RECOMMENDATIONS TO CORRECT THE BASE-YEAR GENERATION TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF MANTECA, SAN JOAQUIN COUNTY

ITEM 31: CONSIDERATION OF STAFF RECOMMENDATIONS TO CORRECT THE BASE-YEAR GENERATION TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF MODESTO, STANISLAUS COUNTY.

ITEM 32: CONSIDERATION OF PERSONAL GUARANTEE GUIDELINES FOR THE RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM.

ITEM 35: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE RAMONA MATERIAL RECOVERY FACILITY AND TRANSFER STATION, SAN DIEGO COUNTY.

ITEM 36: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE CARSON TRANSFER STATION AND MATERIALS RECOVERY FACILITY, LOS ANGELES COUNTY.

ITEM 37: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE ANTELOPE VALLEY PUBLIC LANDFILL II, LOS ANGELES COUNTY.

ITEM 37: CONSIDERATION OF A MODIFIED SOLID WASTE FACILITY PERMIT FOR OGDEN MARTIN SYSTEMS OF STANISLAUS, INC., STANISLAUS COUNTY.

ITEM 39: CONSIDERATION OF REALLOCATION OF FY '96/'97 SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM FUNDS ITEM.

ITEM 10: CONSIDERATION OF FISCAL YEAR 1996/97 GRANT AWARDS FOR PLAYGROUND COVER PROGRAM ITEM.

STAFF PRESENTATION	50 PUBLIC
TESTIMONY	
DISCUSSION	52
ACTION	55

ITEM 11: CONSIDERATION OF REALLOCATION OF FISCAL YEAR
1996-97 FUNDS PREVIOUSLY APPROVED FOR CONTRACT CONCEPT 12-
WPM-IWM, YARD WASTE PREVENTION ITEM.

STAFF PRESENTATION	56
PUBLIC TESTIMONY	
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ITEM 12: CONSIDERATION OF STATE LEGISLATION:

A: AB 117:

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DISCUSSION	70
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B: AB 375 (PULLED)

D: AB 436:

STAFF PRESENTATION	76
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E: SB 675	92
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F: SB 698:

STAFF PRESENTATION	79
PUBLIC TESTIMONY	
DISCUSSION	80
ACTION	80, 81

H: SB 1179:

STAFF PRESENTATION	82
PUBLIC TESTIMONY	83
DISCUSSION	87
ACTION	92

I: SB 1196: (PULLED)

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J: SB 1330:	
STAFF PRESENTATION	97
PUBLIC TESTIMONY	
DISCUSSION	97
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ITEM 33: CONSIDERATION OF PROCEDURAL ISSUES REGARDING IRONCLAD, INC.'S PETITION FOR VARIANCE FROM RECYCLED-CONTENT PLASTIC TRASH BAG PROGRAM REQUIREMENTS PURSUANT TO PUBLIC RESOURCES CODE SECTION 42298.

STAFF PRESENTATION	106
PUBLIC TESTIMONY	109
DISCUSSION	111
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ITEM 34: CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS TO THE RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM.

STAFF PRESENTATION	120
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ITEM 40: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE PEBBLY BEACH DISPOSAL SITE, LOS ANGELES COUNTY.

STAFF PRESENTATION	126
PUBLIC TESTIMONY	
DISCUSSION	
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ITEM 41: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE SANTA MARIA CITY LANDFILL, SANTA BARBARA COUNTY.

STAFF PRESENTATION	129
PUBLIC TESTIMONY	135, 140, 163
DISCUSSION	139, 160, 178, 184
ACTION	193

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ITEM 42: CONSIDERATION OF THE ADOPTION OF THE NEGATIVE
DECLARATION AND THE PROPOSED REGULATIONS FOR NONHAZARDOUS
ASH OPERATIONS AND FACILITIES.

STAFF PRESENTATION	200
PUBLIC TESTIMONY	
DISCUSSION	203
ACTION	215

ITEM 43: (PULLED) CONSIDERATION OF A MODIFIED SOLID WASTE
FACILITY PERMIT FOR THE VALLEY TRANSFER STATION, LOS
ANGELES COUNTY

ITEM 44: CONSIDERATION OF A NEW MAJOR 216

WASTE TIRE FACILITY PERMIT FOR MODESTO ENERGY LIMITED
PARTNERSHIP, STANISLAUS COUNTY.

ITEM 45: OPEN DISCUSSION ---

RECESS 216

1 SACRAMENTO CALIFORNIA; WEDNESDAY, MAY 28, 1997

2 9:30 A.M.

3

4 CHAIRMAN PENNINGTON: GOOD MORNING.

5 WELCOME TO THE MAY MEETING OF THE CALIFORNIA

6 INTEGRATED WASTE MANAGEMENT BOARD. WILL THE

7 SECRETARY CALL THE ROLL, PLEASE.

8 BOARD SECRETARY: BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: HERE.

10 BOARD SECRETARY: FRAZEE.

11 BOARD MEMBER FRAZEE: HERE.

12 BOARD SECRETARY: GOTCH.

13 BOARD MEMBER GOTCH: HERE.

14 BOARD SECRETARY: JONES.

15 BOARD MEMBER JONES: HERE.

16 BOARD SECRETARY: RELIS.

17 BOARD MEMBER RELIS: HERE.

18 BOARD SECRETARY: CHAIRMAN PENNINGTON.

19 CHAIRMAN PENNINGTON: HERE. WE HAVE A

20 QUORUM.

21 DO ANY BOARD MEMBERS HAVE ANY EX

22 PARTES? I'LL START WITH MR. RELIS.

23 BOARD MEMBER RELIS: YES, MR. CHAIR. A

24 LETTER FROM BAS, B-A-S, RECYCLING DATED MAY

27TH.

25 I BELIEVE WE ALL GOT THAT LETTER, BUT I'D JUST

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1 LIKE TO NOTE IT FOR THE RECORD, CONCERNING WASTE
2 TIRES AND PLAYGROUND APPLICATIONS.

3 CHAIRMAN PENNINGTON: ANY OTHERS?

4 BOARD MEMBER RELIS: NO.

5 CHAIRMAN PENNINGTON: AND MR. FRAZEE.

6 BOARD MEMBER FRAZEE: THAT SAME LETTER
7 FROM BAS RECYCLING, I THINK IS THE ONLY ONE I DO
8 NOT HAVE RECORDED.

9 CHAIRMAN PENNINGTON: MR. CHESBRO.

10 BOARD MEMBER CHESBRO: IN ADDITION TO
11 THAT LETTER, I HAVE, REGARDING ITEM 41, THE SANTA
12 MARIA LANDFILL, I HAVE LETTERS FROM DAVID BLAKELY,
13 I GUESS, REPRESENTING HIMSELF, FORMER SAN LUIS
14 OBISPO COUNTY SUPERVISOR; JOHN CUPPS OF JOHN CUPPS
15 & ASSOCIATES; AND REGARDING ITEM 46, PACIFIC
16 SOUTHWEST FARMS, I HAVE A LETTER FROM -- I CAN'T
17 QUITE PRONOUNCE THE NAME -- A REPRESENTATIVE OF
18 RAINBOW DISPOSAL. KESICK. STANLEY KESICK
19 REPRESENTING PACIFIC SOUTHWEST FARMS.

20 AND I HAVE A LIST OF OTHER ITEMS
21 THAT AREN'T ON SPECIFIC AGENDA ITEMS. I'LL SUBMIT
22 THEM TO THE CLERK FOR THE RECORD.

23 BOARD MEMBER RELIS: MR. CHAIR, IF I
24 COULD, I'D JUST NOTE I GOT THAT KESICK LETTER TOO,
25 BUT I DIDN'T SEE THAT IT WAS ADDRESSED TO ME. I

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1 THINK IT WAS -- SOMEHOW I GOT A COPY OF IT.

2 BOARD MEMBER CHESBRO: YOU MAY BE RIGHT.

3 CHAIRMAN PENNINGTON: MRS. GOTCH.

4 BOARD MEMBER GOTCH: THE SAME LETTERS
5 THAT WERE NOTED FROM THE OTHER BOARD MEMBERS. AND
6 THEN I HAVE A COUPLE OF ADDITIONAL LETTERS
7 REGARDING SOME ITEMS THAT WERE -- SOME OTHER
8 ISSUES. THANK YOU.

9 CHAIRMAN PENNINGTON: MR. JONES.

10 BOARD MEMBER JONES: JUST THE SAME
11 LETTERS. EVERYTHING ELSE IS UP-TO-DATE.

12 CHAIRMAN PENNINGTON: I TOO RECEIVED THE
13 BAS LETTER, AND I ALSO RECEIVED A LETTER FROM
14 RAINBOW DISPOSAL ON ITEM 46, WHICH WE WILL TAKE UP
15 TOMORROW.

16 AS ALWAYS, THERE ARE SPEAKER REQUEST
17 FORMS ON THE TABLE IN THE BACK OF THE ROOM. IF
18 ANYBODY WISHES TO SPEAK ON ANY PARTICULAR AGENDA
19 ITEM, PLEASE FILL OUT A FORM AND GET IT TO OUR
20 SECRETARY, MS. KELLY, WHO WILL BE SURE THAT WE
21 CALL UPON YOU.

22 I HAVE ONE ANNOUNCEMENT ABOUT THE
23 BOARD AGENDA. ITEM 12(B) AND ITEM 12(I) AND ITEM
24 43 HAVE BEEN PULLED FROM TODAY'S AGENDA.

25 BOARD MEMBER GOTCH: MR. CHAIR, THE LAST

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1 ITEM YOU SAID PULLED WAS 43.

2 CHAIRMAN PENNINGTON: 43.

3 BOARD MEMBER GOTCH: 43. THANK YOU.

4 CHAIRMAN PENNINGTON: I THINK I PULLED
5 THAT ONE BILL WE TALKED ABOUT YESTERDAY.

6 NEXT WE WILL HAVE COMMITTEE
REPORTS,

7 STARTING WITH LEGISLATION AND PUBLIC EDUCATION
8 COMMITTEE, MRS. GOTCH CHAIR.

9 BOARD MEMBER GOTCH: THANK YOU. THE
10 LEGISLATION AND PUBLIC EDUCATION COMMITTEE MET ON
11 MAY 15TH TO CONSIDER SEVEN STATE MEASURES. OF
12 THESE MEASURES, THREE ARE ON THE CONSENT
CALENDAR:

13 AB 1383, ARONER; SB 675, COSTA; AND SB 1175,
SHER;

14 AND ONE WAS HELD IN COMMITTEE. THAT WAS SB 1196,
15 LESLIE.

16 ASSEMBLYMEMBER FIRESTONE HAS ASKED
17 THAT WE PULL HIS BILL, AB 375, PENDING FURTHER
18 AMENDMENTS. IN ADDITION TO THE TWO BILLS THAT
ARE

19 BEFORE US TODAY FOR CONSIDERATION, CHAIRMAN
20 PENNINGTON HAS ASKED THAT WE HEAR THREE
ADDITIONAL

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21 BILLS. THEY ARE AB 117, ESCUTIA; SB 436, SHER;
22 AND SB 698, RAINEY.

23 THE LPEC CONSIDERED THESE THREE
24 BILLS LAST MONTH. WE PULLED THE ESCUTIA BILL
FROM
25 THE BOARD AGENDA PER THE AUTHOR'S REQUEST, HELD

1 THE SHER BILL IN COMMITTEE, AND DID NOT TAKE A
2 POSITION ON THE RAINEY BILL AT THE BOARD MEETING
3 LAST MONTH.

4 AS I STATED IN OUR LPEC COMMITTEE
5 THIS MONTH, I DID GRANT THE CHAIRMAN'S REQUEST TO
6 MOVE THESE THREE MEASURES ON TO THE FULL BOARD
7 AGENDA WITHOUT FURTHER COMMITTEE ACTION. WHILE
8 OUR GENERAL POLICY IS TO ALWAYS RESPECT THE
9 COMMITTEE PROCESS, PLEASE BE ASSURED THAT THE
10 GRANTING OF THIS REQUEST IS NOT PRECEDENT SETTING,
11 AND THE CHAIRMAN AND I SPOKE ABOUT THIS EARLIER.
12 IN THE FUTURE, WITHOUT OBJECTION, I PLAN TO
13 CONTINUE THE GENERAL COMMITTEE PRACTICE OF TAKING
14 BILLS THAT HAVE BEEN SIGNIFICANTLY AMENDED AND/OR
15 THE BOARD WISHES TO TAKE OR CHANGE POSITIONS ON TO
16 COMMITTEE FIRST. AND I APOLOGIZE FOR ANY INCON-
17 VENIENCE THAT MAY HAVE CAUSED.

18 THE LPEC COMMITTEE HEARD A
19 PRESENTATION FROM THE REGIONAL DIRECTOR OF THE
20 CALIFORNIA SCIENCE IMPLEMENTATION NETWORK, MS.
21 JUDY WILSON. THE CSIN IS A STATEWIDE ORGANIZATION
22 THAT ASSISTS SCHOOLS WITH IMPROVING AND IMPLEMENT-
23 ING QUALITY SCIENCE PROGRAMS.

24 AND FINALLY, THE COMMITTEE RECEIVED
25 AN UPDATE FROM OUR PUBLIC AFFAIRS DIVISION. THE

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1 BOARD'S 1997 GRASSCYCLING CAMPAIGN WAS A HUGE
2 SUCCESS. THE BOARD RECEIVED ATTENTION AND
3 NEWSPAPERS STATEWIDE, AS WELL AS NUMEROUS SPOTS ON
4 RADIO AND DIVISION.

5 I WOULD LIKE TO COMMEND STAFF FOR
6 THEIR VERY SUCCESSFUL EFFORTS. AND THAT CONCLUDES
7 MY REPORT. THANK YOU.

8 CHAIRMAN PENNINGTON: THANK YOU, MRS.
9 GOTCH.

10 NEXT WILL BE LOCAL ASSISTANCE AND
11 PLANNING COMMITTEE, MR. CHESBRO CHAIR.

12 BOARD MEMBER CHESBRO: YES, MR. CHAIRMAN.
13 THE LOCAL ASSISTANCE AND PLANNING COMMITTEE
14 RECEIVED UPDATES FROM BOTH OF THE DIVISIONS THAT
15 HAVE ACTIVITIES UNDER THE COMMITTEE'S JURISDIC-
16 TION.

17 THE COMMITTEE CONSIDERED 19 PLAN
18 DOCUMENTS, WHICH REPRESENTED 19 JURISDICTIONS.
19 ALL OF THOSE PLANS ARE ON THE CONSENT CALENDAR
20 TODAY. MANY OF THE ITEMS ON CONSENT WERE
21 BASE-YEAR ADJUSTMENTS BASED ON THE POLICY THE
22 BOARD APPROVED A COUPLE OF MONTHS AGO.

23 TO HIGHLIGHT ONE OF THOSE CITIES,
24 THE CITY OF FREMONT ACTUALLY REQUESTED A DECREASE
25 IN GENERATION BECAUSE THEIR NUMBERS WERE ARTIFI-

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1 Cially high. So it seems that at least some
2 cities are not trying to take advantage of the
3 system, but actually want to reflect actual
4 conditions. So I think Fremont is to be commended
5 for their honesty and their willingness to use the
6 process to come up with the best possible numbers.

7 The committee also discussed the
8 draft local assistance plan. Committee directed
9 staff to send the plan to local governments and
10 their representative organizations and other
11 interested parties for comment. The item should
12 be back in front of the committee in July, and we
13 hope forwarded to the board, if completed, at that
14 time.

15 In other news, WRAP is now accepting
16 applications for the 1997 awards cycle. The
17 application period runs from May 1st to June 30th.
18 I'd like to encourage all board members and staff
19 who have interacted with the private sector to
20 encourage those businesses they've worked with
21 over the past year to apply.

22 Speaking of WRAP, I was in Blue Lake
23 last week to present the Mad River Brewing Company
24 with their 1996 WRAP of the Year Award. And we
25 got significant news coverage, both in the

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1 NEWSPAPER, WE HAD THREE LOCAL TELEVISION STATIONS
2 AND THE "EUREKA TIMES STANDARD." AND I BELIEVE
3 THE ARTICLE, THE NEWS ARTICLE, SHOULD BE
4 CIRCULATING TO THE BOARD MEMBERS.

5 THE EVENT WAS A GREAT SUCCESS, AND I
6 WANTED TO THANK PUBLIC AFFAIRS AND THE OTHER STAFF
7 INVOLVED FOR THEIR ASSISTANCE IN PUTTING THAT
8 TOGETHER.

9 WITH REGARDS TO USED OIL, YOU MAY
10 RECALL THAT THE BOARD AWARDED THE FIRST CYCLE OF
11 THE USED OIL RESEARCH, TESTING, AND DEMONSTRATION
12 GRANTS IN 1995. ONE OF THOSE GRANTS FOCUSED ON
13 DEMONSTRATING THAT REREFINED OIL WAS AS GOOD AS
14 CRUDE-BASED OIL. THROUGH THIS GRANT, THE 76
15 PRODUCTS COMPANY AND THE GOLDEN WEST MOTOR SPORTS
16 TEAM JOINED FORCES AND USED REREFINED OIL IN THEIR
17 PONTIAC GRAND PRIX NASCAR FOR THE ENTIRE 1995-96
18 SOUTHWEST TOUR SERIES, AND WON THAT TOUR SERIES.

19 SO WHILE WE WOULD LIKE TO SAY THAT
20 IT WAS BECAUSE THEY WERE USING REREFINED OIL, I
21 THINK THE ACTUAL CONCLUSION THAT ONE CAN DRAW IS
22 THAT THE CAR DIDN'T HAVE ANY OIL-RELATED PROBLEMS
23 THAT WOULD HAVE KEPT IT FROM SUCCEEDING IN TAKING
24 THE TOP SPOT. SO WE'RE QUITE EXCITED ABOUT THAT.
25 IN '96-'97 THE RACE CAR TEAM MOVED

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1 UP TO THE PREMIERE RACING SERIES IN THE WEST, THE
2 WINSTON WEST. IN ITS ROOKIE YEAR, THE TEAM WON
3 THE WINSTON WEST AND, ONCE AGAIN, DID NOT
4 EXPERIENCE ANY OIL-RELATED ENGINE PROBLEMS. SO,
5 AGAIN, UNDER HIGH PERFORMANCE, HIGH TEST
6 SITUATIONS, THE REREFINED OIL HAS DEMONSTRATED ITS
7 SUCCESS. AND I HOPE WE'RE GOING TO DO A VERY GOOD
8 JOB OF PUBLICIZING THAT AND GETTING IT OUT THROUGH
9 OUR EDUCATION PROGRAMS.

10 IN APPRECIATION FOR OUR SUPPORT AND
11 TO COMMEMORATE THEIR CHAMPIONSHIP SERIES, THE
12 GOLDEN WEST MOTOR SPORTS TEAM HAS PRESENTED THE
13 BOARD WITH THIS PLAQUE, WHICH I'LL GIVE TO THE
14 CHAIRMAN AND YOU CAN PASS AROUND. AND I PRESUME
15 THAT STAFF WILL FIND THE RIGHT PLACE FOR IT TO
16 BE
17 DISPLAYED ALONG WITH THE OTHER RECOGNITION OF
18 THE
19 BOARD'S ACHIEVEMENTS.

18 HOPEFULLY, WITH PRODUCTS LIKE
19 THESE,

19 WE CAN CONTINUE TO DISPEL THE MYTHS ABOUT
20 REREFINED MOTOR OIL. AND I THINK THAT THE GRANT
21 IS CERTAINLY PROVING ITS WORTH. OUR
22 PARTICIPATION

22 IN THE PROGRAM IS PROVING ITS WORTH.

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23 FINALLY, I ATTENDED THE HUMBOLDT
24 COUNTY WASTE REDUCTION AWARDS LAST WEEK AND
25 RECEIVED AN AWARD ON BEHALF OF THE BOARD FOR THE

1 TIRE RECOLLECTION AND WALL BUILDING PROJECT THAT
2 THE BOARD FUNDED. THIS PROJECT COLLECTED OVER
3 8,000 TIRES AND CONVERTED THEM INTO A RETAINING
4 WALL. AND I HAVE A CERTIFICATE AND I'D LIKE TO
5 GIVE IT -- I WILL MAKE SURE IT GETS IN THE HANDS
6 OF THE TIRE GROUP THAT RECOMMENDED THIS PROJECT
7 AND WORKED WITH THEM ON IMPLEMENTING IT.

8 IT WAS A SUCCESSFUL PROJECT.
9 THEY'VE PREPARED A VIDEO OF THE PROJECT FOR
10 EDUCATIONAL PURPOSES, AND I WILL SEE TO IT THAT
11 THAT'S DISTRIBUTED. AND IF ANY OF THE COMMITTEES
12 ARE INTERESTED IN VIEWING IT IN THEIR COMMITTEE,
13 IT WOULD BE AVAILABLE FOR THAT. AND THAT'S THE
14 CERTIFICATE WE GOT FOR THAT PROJECT. AND THAT
15 CONCLUDES MY REPORT.

16 CHAIRMAN PENNINGTON: THANK YOU, MR.
17 CHESBRO. AND I CERTAINLY APPRECIATE THE RACE CAR.
18 I'D LIKE TO USE IT DURING COMMUTE HOURS. OKAY.

19 NEXT WE HAVE PERMITTING AND
20 ENFORCEMENT, CHAIRED BY MR. FRAZEE.

21 BOARD MEMBER FRAZEE: THANK YOU, MR.
22 CHAIRMAN. PERMITTING AND ENFORCEMENT COMMITTEE
23 MET ON MAY 13TH, HEARD NINE ITEMS, AND TOOK ALL
24 DAY TO DO THAT.

25 THE CONSENT AGENDA, THESE ARE
ITEMS

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1 RECOMMENDED FOR THE CONSENT CALENDAR TODAY.

2 PERMIT ITEMS: NEW SOLID WASTE FACILITIES PERMIT
3 FOR THE RAMONA MATERIAL RECOVERY FACILITY AND
4 TRANSFER STATION IN SAN DIEGO COUNTY; REVISED
5 SOLID WASTE FACILITY PERMIT FOR THE CARSON
6 TRANSFER STATION IN L.A. COUNTY; REVISED SOLID
7 WASTE FACILITY PERMIT FOR THE ANTELOPE PUBLIC
8 LANDFILL IN L.A. COUNTY; AND A MODIFIED SOLID
9 WASTE FACILITY PERMIT FOR THE OGDEN MARTIN SYSTEMS
10 OF STANISLAUS COUNTY.

11 A CONSIDERATION ITEM, THE
12 REALLOCATION OF THE FISCAL YEAR '96-'97 SOLID
13 WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM
14 FUNDS, OTHERWISE KNOWN AS THE AB 2136 PROGRAM.

15 ITEMS RECOMMENDED FOR THE REGULAR
16 AGENDA TODAY, FIRST, A REVISED SOLID WASTE
17 FACILITY PERMIT FOR THE PEBBLY BEACH DISPOSAL SITE
18 IN L.A. COUNTY. AND THAT COMES TO THE BOARD WITH
19 NO RECOMMENDATION FROM THE COMMITTEE. THE SECOND
20 ITEM, A REVISED SOLID WASTE FACILITY PERMIT FOR
21 THE SANTA MARIA CITY LANDFILL IN SANTA BARBARA
22 COUNTY. THAT ITEM, THE COMMITTEE VOTED THREE ZERO
23 NOT TO CONCUR IN THE ISSUANCE OF THAT PERMIT.

24 THREE, THE ADOPTION OF A NEGATIVE
25 DECLARATION FOR THE PROPOSED REGULATION OF

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1 NONHAZARDOUS ASH OPERATIONS AND FACILITIES. THE
2 ITEM APPROVED IN THE COMMITTEE THAT WILL NOT BE
3 COMING TO THE BOARD IS THE APPROVAL TO BEGIN A
4 45-PUBLIC COMMENT PERIOD FOR THE PERMANENT
5 STORAGE, VERMICOMPOSTING AND CHIPPING AND GRINDING
6 REGULATIONS. AND THAT COMPLETES MY REPORT, MR.
7 CHAIRMAN.

8 CHAIRMAN PENNINGTON: THANK YOU, MR.
9 FRAZEE. NOW WE'LL HEAR FROM THE MARKET
10 DEVELOPMENT COMMITTEE, MR. RELIS CHAIR.

11 BOARD MEMBER RELIS: MR. CHAIR, AT OUR
12 REGULAR MEETING THIS MONTH, THE COMMITTEE HEARD
13 THREE ITEMS. THE FIRST REGARDING PERSONAL
14 GUARANTY GUIDELINES FOR THE LOAN PROGRAM IS ON
15 TODAY'S CONSENT CALENDAR. SECOND WAS A PROGRESS
16 REPORT ON THE RECYCLING MARKET DEVELOPMENT ZONE
17 MARKETING ACTIVITIES.

18 WE HAVE BEGUN TO SEE AN UPSWING OF
19 SOME MEASURE IN THE LOAN PROGRAM IN THE PIPELINE.
20 I ALSO WANTED TO ACKNOWLEDGE THAT STAFF HAS BEEN
21 INVOLVED IN ASSISTING MANY NONLOAN PROJECTS IN
22 THE
23 ZONES. THE BOARD OFTEN HEARS WHAT IS OCCURRING
24 WITH DISCRETE LOANS, BUT THE ZONE PROGRAM IS
INTENDED FOR A MUCH BROADER SET OF ACTIVITIES AND

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25 GENERAL ECONOMIC ACTIVITIES REGARDING ATTRACTION

1 AND DEVELOPMENT OF MANUFACTURING BUSINESSES USING
2 RECYCLED CONTENT. AND WHETHER THEY'RE A LOAN OR
3 NOT, IT MAKES NO DIFFERENCE FROM THE ZONE
4 PERSPECTIVE.

5 THE THIRD WAS AN UPDATE ON THE
6 BOARD'S PRIVATE BUY RECYCLED STRATEGY. THERE IS
7 SIGNIFICANT PROGRESS BEING MADE IN THE RECYCLED
8 PAPER COALITIONS THAT THIS BOARD HELPED FORM,
9 PARTICULARLY IN CENTRAL VALLEY AND IN SOUTHERN
10 CALIFORNIA. WE'VE BEEN AN INTEGRAL PART OF THOSE
11 ACTIVITIES.

12 WE'VE HAD SOME VERY EXCITING
13 COLLABORATIONS WITH VARIOUS BUILDING CONSTRUCTION
14 PROJECTS THAT COULD LEAD TO SIGNIFICANT INROADS IN
15 THE USE OF RECYCLED-CONTENT PRODUCTS IN THE BROAD
16 SPECTRUM OF CONSTRUCTION ACTIVITIES IN THE STATE.

17 IN ADDITION, THE COMMITTEE HAD A
18 SPECIAL MEETING YESTERDAY AT WHICH IT CONSIDERED
19 TWO ITEMS. THE FIRST CONSIDERED PROCEDURAL ISSUES
20 REGARDING IRONCLAD'S PETITION FOR VARIANCE FROM
21 THE TRASH BAG PROGRAM REQUIREMENTS. COMMITTEE
22 RECOMMENDED ON A TWO-ONE VOTE THE PUBLIC HEARING
23 BE HELD AT A BOARD MEETING WITH ALL RELEVANT
24 MATERIAL TO BE SUBMITTED TO THE BOARD TEN WORKING
25 DAYS PRIOR TO THAT HEARING SO THAT ALL OF US WILL

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1 HAVE SUFFICIENT TIME TO GO OVER THIS COMPLICATED
2 ITEM.

3 THE SECOND INVOLVED CONSIDERATION OF
4 THE PROPOSED REGULATIONS FOR THE RECYCLING MARKET
5 DEVELOPMENT ZONE LOAN PROGRAM. COMMITTEE
6 RECOMMENDED THAT THE BOARD ADOPT STAFF'S
7 RECOMMENDATION REGARDING CEQA AND THE REGULATIONS.
8 THE COMMITTEE ALSO DIRECTED STAFF THAT NEXT TIME A
9 FORMAL RULEMAKING IS INITIATED ON THESE REGULA-
10 TIONS, TO ADDRESS THE ISSUE OF THE APPROPRIATE
11 TIME FRAME FOR SUBMITTAL BY APPLICANTS OF
12 INFORMATION ABOUT PREVIOUS CRIMINAL PENALTIES.
13 THERE'S A MATTER OF HOW FAR BACK WE WANT TO LOOK
14 INTO THE RECORD TO SEE WHETHER A POTENTIAL
15 APPLICANT HAS HAD SOME PROBLEMS OF THIS NATURE.

16 SO WITH THAT, MY REPORT IS COMPLETE.

17 CHAIRMAN PENNINGTON: THANK YOU, MR.
18 RELIS. NOW WE'LL HEAR POLICY, RESEARCH, AND
19 TECHNICAL ASSISTANCE COMMITTEE, MR. JONES CHAIR.

20 BOARD MEMBER JONES: MR. CHAIRMAN, THERE
21 WAS NOT A POLICY MEETING. NOTHING HAD COME
22 FORWARD. THOSE THINGS THAT DID COME FORWARD WE
23 NEEDED TO DEVELOP A LITTLE BIT MORE BEFORE THEY
24 CAME TO THE COMMITTEE. WE'RE WORKING ON THOSE
25 ISSUES RIGHT NOW.

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1 JUST AS A SIDE, THOUGH, I WANT TO
2 ACKNOWLEDGE SOME GOOD WORK BY TRACEY HARPER. I
3 WAS IN ATLANTA LAST WEEK AT NSWMA AS A SPEAKER ON
4 CALIFORNIA ISSUES. AND SURPRISINGLY, IT WAS THE
5 LAST DAY OF THE CONVENTION AND 50 PEOPLE SHOWED
6 UP, WHICH KIND OF SURPRISED ME BECAUSE I'VE BEEN
7 GOING TO THOSE CONVENTIONS FOR A LONG TIME, AND
IT
8 WAS WELL RECEIVED.

9 I SPOKE ABOUT THE 50-PERCENT
10 INITIATIVE AND THE STRATEGIC PLAN AND HOW WE TIED
11 THOSE OR HOW WE ARE EVOLVING AS AN ORGANIZATION
TO
12 MEET THE NEEDS THAT WE HAVE IN TRYING TO GET TO
13 THE 50 PERCENT. AND AMAZINGLY, THERE WERE PEOPLE
14 THERE FROM INDIA AND AUSTRALIA THAT WERE VERY
15 INTERESTED IN EXACTLY HOW WE'RE GOING TO DO THOSE
16 THINGS.

17 TRACEY HARPER DID AN EXCEPTIONAL
JOB
18 SPEAKING ABOUT THE BOARD'S PROGRAMS, SPECIFICALLY
19 THE GIS SYSTEM AND SOME OF THOSE ISSUES THAT
20 PEOPLE FROM ALL OVER WERE INTERESTED IN. I THINK
21 IT WAS WELL RECEIVED. AND PART OF OUR STRATEGIC
22 PLAN WAS THAT WE WERE GOING TO BE LOOKED ON AS
23 LEADERS IN THE NATION AND AS SOMETIMES LEADERS IN

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24 THE WORLD.

25 WELL, I WAS SPEAKING THE WEEK
BEFORE

1 TO A GROUP THAT HAD BEEN BROUGHT OVER BY THE
2 UNITED STATES DEPARTMENT OF TRADE AND DEVELOPMENT
3 AGENCY. THEY HAD BROUGHT OVER A GROUP OF PEOPLE
4 FROM THE MIDDLE EAST AND FROM SOUTH AFRICA,
5 LOOKING AT PRIVATE INDUSTRY'S ANSWERS TO A LOT OF
6 THEIR SOLID WASTE DILEMMAS. THESE ARE NOT
7 INDUSTRIALIZED COUNTRIES, BUT THE LEVEL OF
8 POLLUTION IN NONINDUSTRIALIZED AREAS IS PRETTY
9 SEVERE. THEY APPRECIATED IT.

10 WE ACTUALLY WERE TIED UP WITH THEM
11 IN ATLANTA WHEN THEY HAD ALMOST 55 -- 55 UNITED
12 STATES COMPANIES THAT WANTED TO HAVE ONE-ON-ONE
13 CONFERENCES WITH THESE PEOPLE TO LOOK AT THE
14 POSSIBILITY OF THE UNITED STATES COMPANIES
GETTING

15 IN THERE AND GETTING SOME BUSINESS. THOSE
ARE

16 TRADITIONALLY BUSINESSES OR OPPORTUNITIES
THAT THE

17 FRENCH TAKE QUITE A BIT OF OPPORTUNITY OF,
AND I

18 THINK IT WAS REAL POSITIVE.

19 I THINK I EVEN GOT AN OFFER TO
COME

20 TO LEBANON AND SPEAK TO THE MINISTRY, BELIEVE
IT

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21 OR NOT, BUT I'M NOT SURE WE WANT TO GO THAT
FAR.

22 BUT IT WAS WELL WORTH IT. AND I THINK THIS
BOARD

23 NEEDS TO FEEL PRETTY GOOD ABOUT THE FACT THAT
WE

24 ARE, IN FACT, ACHIEVING OUR GOAL OF BEING
LOOKED

25 ON AS NOT ONLY LEADERS IN THE NATION, BUT
LEADERS

1 IN THE WORLD.

2 CHAIRMAN PENNINGTON: THANK YOU, MR.
3 JONES.

4 AND FINALLY, THE ADMINISTRATION
5 COMMITTEE, WHICH I CHAIR. THE ADMINISTRATION
6 COMMITTEE MET MAY THE 16TH AND HEARD SEVEN ITEMS.
7 FIVE OF THOSE ITEMS ARE ON THE CONSENT CALENDAR
8 AND INCLUDE THE AWARD OF FUNDS FOR LOCAL
9 GOVERNMENTS FOR WASTE TIRE CLEANUPS, LEA'S FOR
10 PILOT TIRE ENFORCEMENT GRANT PROGRAM, FOR USED OIL
11 GRANTS, AND AUGMENTATION OF A CONTRACT FOR
12 DEVELOPMENT AND DISTRIBUTION OF A USED OIL BASED
13 CURRICULUM.

14 THE TWO ITEMS HEARD AT COMMITTEE
15 CONCERNED THE AWARD OF FUNDS FOR THE PLAYGROUND
16 COVER PROGRAM AND THE REALLOCATION OF UNUSED FUNDS
17 FROM THE '96-'97 CONTRACT CONCEPT. THESE ITEMS
18 ARE ON THE BOARD'S AGENDA AND WILL BE PRESENTED TO
19 THE FULL BOARD TODAY.

20 NEXT WE'LL HEAR FROM MR. CHANDLER,
21 OUR EXECUTIVE DIRECTOR.

22 MR. CHANDLER: THANK YOU, MR. CHAIRMAN,
23 AND GOOD MORNING, MEMBERS. I'D LIKE TO BRIEFLY GO
24 OVER SEVERAL ITEMS FOR YOU TODAY, BEGINNING WITH
25 ONE OF THE BILLS THAT MS. GOTCH INDICATED WAS

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1 BEING PULLED FROM YOUR AGENDA TODAY, THAT BEING
2 SB 1196 BY SENATOR LESLIE THAT WOULD EXEMPT ALPINE
3 COUNTY FROM PREPARING A SUMMARY PLAN AND SITING
4 ELEMENT.

5 ON FRIDAY AFTERNOON STAFF OF THE
6 DIVISION'S DIVERSION PLANNING AND LOCAL ASSISTANCE
7 PROGRAM PARTICIPATED IN A CONFERENCE CALL WITH MR.
8 ROBERT DUGAN FROM THE SENATOR'S STAFF AS WELL AS
9 STAFF FROM ALPINE COUNTY TO DISCUSS ALPINE'S
10 INTERESTS.

11 STAFF VOLUNTEERED TO HELP PREPARE A
12 DRAFT PETITION, REQUESTING THE BOARD'S CONSIDERA-
13 TION OF ELIMINATING THE SUMMARY PLAN -- AS YOU
14 KNOW, ALPINE COUNTY HAS NO INCORPORATED CITIES --
15 AND ALL PROVISIONS OF THE SITING ELEMENT EXCEPT
16 THE 15-YEAR LANDFILL CAPACITY REQUIREMENT. AGAIN,
17 THE COUNTY HAS NO LANDFILLS AND NONE ARE PLANNED.

18 IN ADDITION, STAFF AGREED TO PROVIDE
19 EXAMPLES OF SITING ELEMENTS IF THE PETITION IS
20 ADOPTED BY THE BOARD. ALPINE COUNTY ACCEPTED
21 STAFF'S OFFER, AND MR. DUGAN AGREED TO DELAY
22 FURTHER ACTION ON SB 1196, PENDING THE BOARD'S
23 ACTION ON ITS PETITION, WHICH IS EXPECTED TO COME
24 BEFORE THE BOARD IN AUGUST.

25 IF THE PETITION IS ACCEPTED BY THE

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1 BOARD, STAFF EXPECTS THE REDUCED SITING ELEMENT
2 WOULD BE SUBMITTED TO THE BOARD IN DECEMBER OF '97
3 OR JANUARY OF '98.

4 NEXT, I'D LIKE TO REPORT ON THE
5 EXPANDED INITIAL STUDY FOR THE PASO ROBLES
6 LANDFILL PREPARED BY JONES & STOKES. AS YOU KNOW,
7 I'VE BEEN KIND OF PERIODICALLY PROVIDING YOU KIND
8 OF A PROGRESS REPORT ON THAT EFFORT, WHICH IS
9 BEING COMPLETED, AS I SAID, BY JONES & STOKES ON
10 BEHALF OF THE BOARD. THAT EXPANDED INITIAL STUDY
11 IS NOW COMPLETE. THE 30-DAY PUBLIC COMMENT PERIOD
12 REQUIRED BY CEQA BEGAN ON MAY 14TH AND RUNS
13 THROUGH JUNE 13TH.

14 ONE SIGNIFICANT ENVIRONMENTAL EFFECT
15 WAS IDENTIFIED, AND THAT IS AN AIR -- IMPACT TO
16 AIR QUALITY FROM VEHICLE EMISSIONS. THE CITY OF
17 PASO ROBLES WILL MITIGATE THE IMPACT BY MODIFYING
18 ENGINES ON LANDFILL EQUIPMENT TO REDUCE EMISSIONS
19 AS WELL AS A POTENTIAL TRAFFIC SAFETY IMPACT WAS
20 ALSO IDENTIFIED, A POTENTIAL HAZARD TO THROUGH
21 TRAFFIC CAUSED BY SLOW MOVING VEHICLES EXITING THE
22 LANDFILL. ALTHOUGH NOT A SIGNIFICANT EFFECT, THE
23 CITY HAS AGREED TO INSTALL WARNING LIGHTS,
24 FLASHING BEACONS, OR AN ACCELERATION LANE TO
25 LESSEN THE IMPACT.

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1 CONSIDERATION OF ADOPTION OF THE
2 PROPOSED MITIGATED NEGATIVE DECLARATION IS BEING
3 SCHEDULED FOR THE JUNE PERMITTING AND ENFORCEMENT
4 COMMITTEE AND BOARD MEETINGS.

5 ON ANOTHER LONG-STANDING ISSUE, I'M
6 PLEASED TO REPORT THAT THE CAL/EPA HOTLINE IS
7 BEING OFFICIALLY UNVEILED THIS MORNING AT A PRESS
8 EVENT AT THE CAPITOL. OUR USED OIL COLLECTION
9 CENTER INFORMATION IS PROMINENTLY FEATURED ON THIS
10 24-HOUR, SEVEN-DAY-A-WEEK AUTOMATED SYSTEM THAT
11 FINALLY ALLOWS OUR INFORMATION TO BE PROVIDED TO
12 DO-IT-YOURSELFERS ON THE DAYS AND TIMES THEY MOST
13 COMMONLY CHANGE THEIR OIL.

14 AS YOU KNOW, THE SERVICE IS FREE;
15 AND IF THE HOTLINE WORKS AS WELL AS WE BELIEVE IT
16 WILL, IT WILL ALLOW US TO PHASE OUT OUR CURRENT
17 SYSTEM, WHICH WOULD SAVE THE INTEGRATED WASTE
18 MANAGEMENT ACCOUNT UP TO \$30,000 A YEAR IN
19 TELEPHONE CHARGES ALONE.

20 SPEAKING OF THE USED OIL PROGRAM,
21 I
22 WANTED TO JUST MENTION A COUPLE OF NOTES ABOUT
23 THE
24 FACT THAT, AS YOU NOTE, YOU HAVE ON YOUR
25 CONSENT
26 AGENDA TODAY THE ISSUING OF BLOCK GRANTS,

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NEARLY

24 \$12 MILLION. AND I THINK THAT OUR USED OIL
25 PROGRAM OFTENTIMES GOES A LITTLE BIT UNNOTICED
ON

1 SUCH A GOOD JOB THAT JUDY FRIEDMAN AND HER USED
2 OIL STAFF DO IN THAT REGARD. IT RUNS VERY
3 SMOOTHLY, BUT ONE OF THE COMMENTS THAT YOU HAVE
4 BEEN PROVIDING ME OVER TIME IS TO FIND WAYS IN
5 WHICH WE CAN MAKE THAT USED OIL PROGRAM AS BROADLY
6 AFFECTING SOME OF OUR MANDATES WITHOUT JEOPAR-
7 DIZING THE INTEGRITY OF WHAT THE PROGRAM IS REALLY
8 DESIGNED FOR.

9 AND I THINK YOU SHOULD NOTE THAT WE
10 ARE MAKING SOME ADJUSTMENTS IN HOW WE ADMINISTER
11 BLOCK GRANTS. SINCE USED OIL MAKES UP SUCH A
12 LARGE PERCENTAGE OF THE HOUSEHOLD HAZARDOUS
13 WASTESTREAM, NEARLY A THIRD, WE'RE EXPANDING THE
14 PROGRAM'S ELIGIBLE COSTS TO INCLUDES COSTS
15 ASSOCIATED WITH HOUSEHOLD HAZARDOUS WASTE
16 PROGRAMS. I THINK THIS IS PARTICULARLY MINDFUL IN
17 LIGHT THAT WE HAVE REDUCED, IF YOU RECALL, FOR THE
18 UPCOMING BUDGET YEAR OUR HOUSEHOLD HAZARDOUS WASTE
19 PROGRAM FROM 3 MILLION TO 1.5 MILLION.

20 BECAUSE MANY COMMUNITIES HAVE HAD
21 DIFFICULTY RECRUITING BUSINESSES TO BECOME
22 CERTIFIED OIL CENTERS AND SINCE HOUSEHOLD
23 HAZARDOUS WASTE MATERIALS, SUCH AS PAINT AND
24 ANTIFREEZE, ARE AMONG THE MOST COMMON CONTAMINANTS
25 OF USED OIL, WE SEE GREAT VALUE IN FUNDING THE

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1 HOUSEHOLD HAZARDOUS WASTE FACILITY ESTABLISHMENT
2 COSTS IF THE OPPORTUNITY TO COLLECT USED OIL WOULD
3 OTHERWISE NOT EXIST. BY MAKING THESE GRANT
4 CHANGES, WE'RE WORKING TO ESTABLISH A
5 COST-EFFICIENT, PERMANENT INFRASTRUCTURE.
6 FOLLOWING CONSTRUCTION ONLY ONGOING COSTS FOR
7 COLLECTING AND HAULING USED OIL WOULD BE ELIGIBLE
8 FOR REIMBURSEMENT FROM THE USED OIL FUNDS.

9 I WON'T GO INTO THE DETAILS, BUT I
10 SEE THE PROGRAM IS SIMILARLY EXPANDING ITS EFFORTS
11 ON HOW IT'S DOING ITS PUBLIC EDUCATION, ITS PUBLIC
12 INFORMATION ALL TO, I THINK, ADDRESS YOUR REQUEST
13 THAT WE EXPAND OUR EFFORTS IN THOSE REGARDS.

14 LAST, I THINK I SHOULD JUST MENTION
15 A QUICK NOTE THAT I DID SPEAK AT A TIRE CONFERENCE
16 IN MONTEREY ON FRIDAY. IT WAS NICE TO SEE OUR
17 FORMER CHAIRMAN, MIKE FROST, WHO MODERATED ONE OF
18 THE PANEL SESSIONS. HE SPOKE VERY HIGHLY OF THE
19 CITY OF FOLSOM'S SUCCESSFUL USE OF CERTAIN TYPES
20 OF CRUMB RUBBER APPLICATIONS, INCLUDING THE USE OF
21 CRUMBED RUBBER IN SOCCER FIELDS AND PLAYGROUNDS
22 THAT THE CITY HAS SUCCESSFULLY USED, AND WAS
23 SPEAKING TO OTHER PROCUREMENT AND LOCAL OFFICIALS
24 AT THAT CONFERENCE, ENCOURAGING THEM TO LOOK AT
25 THE USE OF CRUMBED TIRE IN THIS REGARD.

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1 OUR BUDGET WAS APPROVED AS BUDGETED.
2 I MENTIONED LAST TIME THAT WE WERE GOING TO COME
3 BACK BEFORE THE SENATE HEARING. THAT HEARING DID
4 NOT OCCUR, AND THEY BASICALLY TOOK OUR INPUT FROM
5 OUR TIRE ALLOCATION DOLLARS, AND SO WE HAVE OUR
6 BUDGET APPROVED ON THE SENATE SIDE.

7 AND I SHOULD NOTE THAT WE HAVE
8 RECEIVED OUR SECOND REQUEST FOR AN APPEAL UNDER
9 THE AB 59 PROCESS, MUCH LIKE WE'RE GOING TO BE
10 DEALING WITH TOMORROW, FROM SANTA LEO RANCH
11 DEVELOPERS IN THE SAN DIEGO COUNTY AREA. AND I
12 HAVE ASKED PERMISSION FOR THE BOARD TO CONVENE A
13 FULL MEETING AT THE CONCLUSION OF YOUR PERMITS
14 COMMITTEE MEETING ON JUNE 17TH, NOT TO HEAR THE
15 MERITS OF THE CASE, BUT JUST TO DECIDE IF YOU
WANT
16 TO TAKE THAT APPEAL ON OR NOT, EITHER ACCEPT IT
OR
17 REJECT IT, MUCH LIKE WE DID IN SAN BERNARDINO.

18 SO, AGAIN, THAT WOULD BE JUNE
17TH
19 TO SCHEDULE FOR A FULL BOARD MEETING. I DID
SPEAK
20 TO SOME OF YOU YESTERDAY IN THAT REGARD. I
21 BELIEVE MR. FRAZEE AND MR. JONES ARE TWO THAT

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22 SERVE ON THAT COMMITTEE THAT WOULD, IN A SENSE,
BE
23 SEEING YOUR DAY EXTENDED BEYOND THE COMMITTEE
24 MEETING INTO A BRIEF DISCUSSION ON WHETHER WE
WANT
25 TO TAKE THIS APPEAL UP.

1 THAT CONCLUDES MY REPORT. BUT I
2 WOULD LIKE TO INVITE CELESTE CRON, THE STATE
3 PRINTER, TO COME FORWARD FOR A SPECIAL
4 PRESENTATION TO OUR OUTSTANDING SENIOR GRAPHIC
5 ARTIST, DIANE O'LEARY. CELESTE.

6 MS. CRON: CHAIRMAN PENNINGTON, BOARD
7 MEMBERS, AND STAFF, IT'S A GREAT PLEASURE TO BE
8 HERE THIS MORNING, TO BE WITH YOU AND SHARE THIS
9 WITH YOU. I DO SOMETIMES, AS STATE PRINTER,
10 RECEIVE UNWARRANTED CREDIT FOR SOME OF OUR
11 ACTIVITIES. SO I DO WANT TO INTRODUCE TO YOU THIS
12 MORNING KATHY SCHMITT, WHO IS YOUR PLANNER
13 ESTIMATOR AND IS THE PERSON AT OUR END WHO IS
14 RESPONSIBLE TO MAKE SURE DIANE'S PROJECTS AND YOUR
15 OTHER PROJECTS GET THROUGH OUR BUILDING
16 SATISFACTORY. IT WOULD NOT HAPPEN WITHOUT KATHY,
17 SO I DO WANT TO THANK HER.

18 EACH YEAR THE LOCAL PRINTING
19 INDUSTRIES HAVE A COMPETITION, AND THEY RATE THE
20 BEST PRODUCT PIECES AVAILABLE HERE IN THE GREATER
21 SACRAMENTO AREA. AND I AM VERY PLEASED TO
22 ANNOUNCE TO YOU THAT THE OFFICE OF STATE PRINTING
23 RECEIVED A SILVER AWARD FOR THE EARTH DAY POSTER,
24 "EVERY DAY IS EARTH DAY," WHICH WAS CREATED BY
25 DIANE O'LEARY. AND, DIANE, IF YOU WOULD COME UP

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1 HERE, PLEASE.

2 FOR THOSE OF YOU THAT HAVE NOT SEEN
3 IT, THIS POSTER WAS CREATED ABOUT A YEAR AGO FOR
4 EARTH DAY LAST YEAR. AND DIANE'S CREATIVE
5 ABILITIES CERTAINLY GOT YOUR MESSAGE ACROSS. AND
6 YOU CAN'T READ IT FROM HERE, BUT IT SAYS "EARTH
7 DAY IS EVERY DAY." I BELIEVE THAT WAS YOUR THEME
8 LAST YEAR. THIS PRODUCT PIECE IS EVERYWHERE IN
9 STATE GOVERNMENT. IT IS REMINDING PEOPLE ON A
10 DAILY BASIS OF OUR NEED TO PROTECT OUR
11 ENVIRONMENT.

12 AND THIS IS THE ACTUAL MOUNTED
13 POSTER THAT WAS ENTERED INTO THE COMPETITION HERE
14 IN JANUARY. AND IT'S MY PLEASURE TO PRESENT IT TO
15 DIANE O'LEARY FOR HER OUTSTANDING WORK BECAUSE WE
16 COULDN'T DO IT WITHOUT THIS KIND OF QUALITY FROM
17 YOUR OFFICE. AND FOR YOU, I'D LIKE TO PRESENT TO
18 YOU THIS GALLERY OF SUPERB PRINTING IN RECOGNITION
19 OF PRINTING EXCELLENCE AND IN THE PRESENTATION OF
20 A SILVER AWARD FOR SUPERB CRAFTSMANSHIP IN THE
21 PRODUCTION OF "EVERY DAY IS EARTH DAY."

22 (APPLAUSE.)

23 MS. CRON: WE DO HAVE A SMALL GIFT FOR
24 THE BOARD MEMBERS. AND JOHN FRITH WILL HAVE THEM
25 FOR YOU LATER. THEY ARE SOME PRODUCT PIECES THAT

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1 WE JUST PREPARED FOR THE GOVERNMENT TECHNOLOGY
2 CONFERENCE THAT JUST FINISHED. AND YOU MIGHT WANT
3 TO TAKE THEM AND EITHER HANG THEM ON YOUR WALLS IN
4 YOUR OFFICE OR HANG THEM ON YOUR GARAGE, WHATEVER,
5 BUT PLEASE HELP YOURSELF TO OUR NEW PRODUCT
6 PIECES. THANK YOU AND CONGRATULATIONS.

7 CHAIRMAN PENNINGTON: THANK YOU VERY
8 MUCH. AND ON BEHALF OF THE BOARD, I THANK YOU FOR
9 THE GIFTS TO NOT ONLY US, BUT DIANE. AND I WANT
10 TO TELL YOU THAT WHEN I WAS YOUNG, THIS WAS MANY
11 YEARS AGO, THAT MY FAMILY OWNED SEVERAL NEWSPAPERS
12 DOWN IN STANISLAUS COUNTY, AND PART OF THAT WE HAD
13 A JOB PRESS. AND SO I KNOW A LITTLE BIT ABOUT
14 PRINTING AND APPRECIATE IT, AND I'VE GOTTEN A
15 LITTLE PRINTER'S INK UNDER MY NAILS.

16 MS. CRON: SO HAVE I.

17 CHAIRMAN PENNINGTON: IT'S A SUPERB JOB
18 YOU DID. THANK YOU.

19 MS. CRON: THANK YOU.

20 MR. CHANDLER: THAT DOES CONCLUDE MY
21 REPORT, MEMBERS. SO WITH THAT, I'LL TURN IT BACK
22 OVER TO YOU, DAN. THANK YOU.

23 CHAIRMAN PENNINGTON: OKAY. NOW WE'RE
24 GOING TO HAVE A PRESENTATION ON THE INTERNET.

25 MR. CHANDLER: THAT'S RIGHT. I THINK AT

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1 THIS POINT I CAN INTRODUCE GARY ARSTEIN-KERSLAKE,
2 OUR CHIEF ADMINISTRATOR FOR INFORMATION SERVICES,
3 WHO IS ALSO SERVING IN AN ACTING CAPACITY AS
4 DEPUTY DIRECTOR FOR THE ADMINISTRATION DIVISION
5 UPON MARIE LAVERGNE'S DEPARTURE. SO, GARY, WHY
6 DON'T YOU INTRODUCE THE ITEM TODAY AND TAKE OVER.

7 MR. ARSTEIN-KERSLAKE: THANK YOU, RALPH.
8 GOOD MORNING, MR. CHAIRMAN AND BOARD MEMBERS.
9 THANK YOU FOR THE OPPORTUNITY FOR US TO PROVIDE
10 YOU THIS UPDATE ON THE STATUS OF OUR INTERNET WEB
11 SITE DEVELOPMENT. I HAVE ASKED DOUG RALSTON HERE,
12 WHO'S THE MANAGER OF THE INFORMATION MANAGEMENT
13 BRANCH'S APPLICATION SERVICES UNIT, TO PROVIDE
14 AN
15 ASSIST HERE.

16 VERY BRIEFLY, I JUST WANTED TO
17 PROVIDE A BACKGROUND ON THE PROCESS THAT WE
18 WENT
19 THROUGH TO DEVELOP THE WEB SITE, THE CURRENT
20 STATUS OF THAT, AND SOME FUTURE DIRECTIONS.

21 I'M

22 SURE YOU'RE ALL AWARE OF THE EXPLOSIVE GROWTH
23 OF
24 THIS MEDIA DURING THE PAST 24 MONTHS. AND IT
25 PROVIDES A WONDERFUL WAY TO PROVIDE A
26 CENTRALIZED

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22 REPOSITORY OF INFORMATION THAT'S WIDELY AND
23 UNIVERSALLY ACCESSIBLE TO OUR CLIENT
COMMUNITY.

24 THE -- BY VIRTUE OF THE
TECHNICAL
25 BASE THAT WE HAD IN PLACE, WE WERE ABLE
APPROXI-

1 MATELY 18 MONTHS AGO TO BRING THIS TECHNOLOGY
2 IN-HOUSE. WE FIRST BROUGHT THE WEB SITE UP IN
3 JANUARY 1996. AT THAT POINT IT HAD VERY BASIC
4 INFORMATION ON IT. WE ALLOWED -- WE DEVELOPED IT
5 FROM THE OUTSET WITH THE IDEA THAT IT WOULD BE
6 EVOLVING AND IMPROVING OVER TIME.

7 THE -- APPROXIMATELY A YEAR AGO, WE
8 WENT THROUGH A MAJOR REDEVELOPMENT EFFORT, AND
9 ACTUALLY THE AWARD TO DIANE O'LEARY PROVIDES A
10 NICE SEGUE HERE BECAUSE THE OFFICE OF PUBLIC
11 AFFAIRS BECAME VERY ACTIVELY INVOLVED IN THE
12 GRAPHIC DESIGN, PART OF WHICH YOU SEE HERE ON

THIS

13 PAGE, THE HOME PAGE HERE THAT YOU SEE. AND SO
14 WE
15 HAVE AN INTEGRATED GRAPHIC DESIGN COMPONENT
16 THROUGHOUT OUR WEB SITE, WHICH I THINK IS VERY
17 APPEALING FOR OUR CUSTOMERS.

18 THE -- WE ALSO AT THAT POINT
19 RESTRUCTURED THE WEB SITE FROM THE PERSPECTIVE
20 OF
21 TRYING TO PROVIDE THE EASIEST ACCESS AND MOST
22 DIRECT ACCESS TO OUR INFORMATION TO SERVE THE
23 NEEDS OF THE CLIENT COMMUNITY.

AT THE SAME TIME WE WANTED TO
PROVIDE AN INFRASTRUCTURE, A TECHNICAL

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24 INFRASTRUCTURE, TO FACILITATE THE EASE OF
UPDATES
25 TO THE WEB SITE FOR THE PROGRAM STAFF, AND
THEY'RE

1 WORKING WITH THE OFFICE OF PUBLIC AFFAIRS.

2 DOUG, IF I CAN ASK YOU, WE'RE ON

3 A -- WHAT YOU'RE SEEING RIGHT HERE IS OUR CIWMB

4 HOME PAGE. THAT'S THE FIRST PAGE IN OUR WEB

SITE.

5 THE STRUCTURE THAT YOU CAN SEE THERE, WE HAVE A

6 VARIETY OF CATEGORIES, SUCH AS WHAT'S NEW,

MEETING

7 AND EVENTS, WASTE MANAGEMENT PROGRAMS. THE

IDEA

8 BEING IS THAT THESE CATEGORIES SHOULD MEET THE

9 NEEDS OF THE CLIENT COMMUNITY AS THEY ACCESS

OUR

10 WEB SITE.

11 THE -- ONE OF THE OTHER VERY

12 IMPORTANT COMPONENTS OF THIS HOME PAGE --

WHICH,

13 DOUG, IF YOU CAN POSITION THE CURSOR THERE TO

THE

14 SEARCH BOX THAT YOU SEE THERE -- THE ENTIRE WEB

15 SITE IS INDEXED SO THAT IF A MEMBER OF OUR

CLIENT

16 COMMUNITY COMES TO THE WEB SITE, AND THIS IS

17 ACCESSIBLE FROM ANYBODY ANYWHERE WITHIN

CALIFORNIA

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18 AND ACTUALLY ANYWHERE THROUGHOUT THE WORLD,
WHICH

19 TIES INTO BOARD MEMBER JONES' COMMENTS
REGARDING

20 FOLKS FROM INDIA AND ELSEWHERE, THERE MAY WELL
BE

21 INFORMATION CONTENT ON OUR SITE HERE THAT THEY
22 WOULD BE INTERESTED IN ACCESSING.

23 IF THEY FIND -- IF THEY'RE

24 INTERESTED IN INFORMATION THAT'S NOT OBVIOUSLY
25 ACCESSIBLE UNDER ONE OF THOSE CATEGORIES, THEY
CAN

1 ENTER THE TERM, SUCH AS DOUG HAS DONE HERE WITH
2 COMPOST, AND THAT PROVIDES A LIST OF ALL THOSE
3 AREAS WITHIN OUR WEB SITE IN WHICH THE TERM
4 "COMPOST" IS REFERENCED IN ANY ONE OF THE
5 DOCUMENTS. AND THEN THOSE ARE INTERLINKED SO THAT
6 WERE DOUG TO CLICK ON ANY ONE OF THOSE REFERENCES
7 THERE, THAT WOULD ACTUALLY JUMP TO THAT AREA
8 WITHIN OUR WEB SITE THAT CONTAINS THAT INFORMA-
9 TION. SO HERE WE SEE ON COMPOST HE HAS JUMPED TO
10 THIS SITE HERE.

11 THE -- IF WE CAN COME BACK UP TO THE
12 HIGH LEVEL THERE. IN TERMS OF "ABOUT THE BOARD,"
13 WHAT WE'VE TRIED TO DO, USING "ABOUT THE BOARD" AS
14 AN EXAMPLE, IT HAS INFORMATION, THE BACKGROUND IN
15 TERMS OF WHAT OUR ORGANIZATION IS ALL ABOUT, THE
16 ANNUAL REPORT INFORMATION. WE ALSO HAVE
17 INFORMATION ON WHO'S ON THE BOARD HERE. AND THIS
18 IS ACTUALLY THE SAME INFORMATION THAT IS CONTAINED
19 IN THE HALLWAY. THERE ARE YOUR PICTURES AND THE
20 BIOGRAPHIC INFORMATION THERE, SO THE INDIVIDUALS
21 THAT MAY NOT BE ABLE TO ATTEND OUR MEETINGS --

22 CHAIRMAN PENNINGTON: THAT'S CERTAINLY

A

23 ROGUE'S GALLERY.

24 BOARD MEMBER CHESBRO: LOOKS LIKE

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25 SOMETHING I 'VE SEEN AT THE POST OFFICE .

1 MR. ARSTEIN-KERSLAKE: THE -- BACK UP
TO
2 THE HIGH LEVEL. SOME OF THE OTHER KINDS OF
3 INFORMATION WE HAVE THERE, ON MEETING AND
EVENTS,
4 THESE THINGS ARE OBVIOUSLY VERY IMPORTANT,
5 INCLUDING INFORMATION ON THE BOARD AND COMMITTEE
6 AGENDAS. AND THE AGENDA FOR THIS MEETING HERE
HAS
7 BEEN AVAILABLE ON OUR WEB SITE SINCE IT HAS BEEN
8 PUBLICLY ACCESSIBLE IN PRINTED FORM.
9 SOMETHING ELSE THAT'S VERY
10 IMPORTANT, I THINK, TO OUR CLIENT COMMUNITY IS
THE
11 STATUTES AND REGULATIONS. WE HAVE BOTH THE
12 INFORMATION THAT -- THE SAME INFORMATION THAT WE
13 PUT TOGETHER IN THE BOUND PRINTED REPORT IS
14 ACCESSIBLE HERE TO ANY ONE OF OUR CLIENT
COMMUNITY
15 WITHOUT HAVING TO ACTUALLY PRINT -- PROVIDE A
16 PRINTED COPY OF THAT DOCUMENT. AT THE SAME
TIME,
17 WE ALSO HAVE THE PROPOSED REGULATIONS AVAILABLE.
18 AND NOT ONLY ARE THE REGULATIONS THEMSELVES
19 AVAILABLE, BUT THE CAPABILITY IS HERE SUCH THAT

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20 COMMENTS CAN BE MADE VIA E-MAIL.
21 THE E-MAIL REFERENCE IS DOWN HERE;
22 FOR INSTANCE, CHRIS PECK IS IDENTIFIED AS THE
23 CONTACT PERSON. ON VIRTUALLY EVERY AREA WITHIN
24 THE CIWMB WEB SITE, THERE'S AN IDENTIFIED
CONTACT
25 PERSON THAT ANY ONE OF OUR CUSTOMERS CAN FOLLOW
UP

1 WITH, IF NEEDED.

2 ANOTHER AREA IS THE LEA FACILITIES
3 AND OPERATIONS. AND I'M JUST VERY QUICKLY
4 GLOSSING OVER THIS. IT'S VERY IMPRESSIVE, THE
5 WEALTH OF INFORMATION THAT IS UP ON OUR WEB SITE
6 NOW. AND I THINK, COMPARED TO OTHER ORGANIZA-
7 TIONS, I THINK WE HAVE ONE OF THE MOST COMPLETE
8 SITES FROM THE PERSPECTIVE OF THE COVERAGE OF
9 INFORMATION THAT IS AVAILABLE.

10 THE LEA CENTRAL, FOR INSTANCE, THIS
11 IS AN AREA WHERE WE HAVE RECENTLY PROVIDED
12 SIGNIFICANTLY MORE INFORMATION. ON THE LEFT
13 COLUMN THERE, YOU SEE A VARIETY OF DIFFERENT TOPIC
14 AREAS, WHICH ARE LINKS TO ADDITIONAL INFORMATION
15 RELATED TO EACH ONE OF THOSE TOPIC AREAS. AS AN
16 EXAMPLE, DOUG HAS CLICKED HERE ON MEETINGS. THESE
17 ARE ENFORCEMENT ADVISORY COUNCIL AND LEA ROUND
18 TABLE MEETINGS.

19 AND I BELIEVE WE ALSO HAVE
20 INFORMATION UNDER THE TRAINING NEWS. WE'VE GOT,
21 JUST USING THOSE TWO EXAMPLES, EXAMPLES OF THE
22 CALENDAR OF EVENTS ASSOCIATED WITH TRAINING.

23 JUMPING TO THE WASTE MANAGEMENT
24 AREA, OBVIOUSLY VERY IMPORTANT FOR OUR
25 ORGANIZATION AND FOR OUR CLIENT COMMUNITY, WE
HAVE

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1 A NUMBER OF TOPIC AREAS HERE. AND THIS PROVIDES
2 VERY GOOD EXAMPLE OF THE EXTENT OF THE DATABASE
3 ACCESS THAT WE PROVIDE VIA OUR WEB SITE. AND THIS
4 DATABASE ACCESS, AGAIN, IS ACCESSIBLE TO ANYONE
5 WITHIN CALIFORNIA, WITHIN THE WORLD THAT HAS
6 INTERNET ACCESS.

7 AND THOSE REQUESTS FOR INFORMATION
8 ACTUALLY COME VIA THE INTERNET TO OUR WEB SERVER
9 IN OUR COMPUTER ROOM IN THIS BUILDING HERE. AND
10 ONE OF THE MAJOR ADVANTAGES THEN BEING IS THAT AS
11 THAT INFORMATION IS UPDATED, THE MOST CURRENT
12 INFORMATION IS PROVIDED BACK DIRECTLY TO THE
13 CUSTOMERS ACCESSING THAT INFORMATION.

14 SO AS AN EXAMPLE, DOUG HERE IS AT
15 THE CALMAX SITE, AND THIS PROVIDES NOT ONLY THE
16 CAPABILITY TO ACCESS THE INFORMATION, BUT ALSO TO
17 POST NEW INFORMATION FOR THE CALMAX SYSTEM. SO
18 THAT FACILITATES THAT CUSTOMER ACTIVITY.

19 THE -- ON THE USED OIL RECYCLING
20 PROGRAM, I BELIEVE THERE WAS DISCUSSION IN
21 RELATION TO THE HOTLINE PROGRAM. THE SAME
22 CAPABILITY OF -- DOUG'S GOING TO DEMONSTRATE HERE
23 THE CAPABILITY FOR ENTERING AN INFORMATION SUCH AS
24 WE'LL ENTER -- I DON'T THINK YOU'RE POSITIONED TO
25 THAT FIELD THERE, DOUG, ARE YOU? DOUG IS GOING TO

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1 ENTER 9582, A PARTIAL ZIP CODE, AND WE'LL COME UP
2 WITH A LISTING OF ALL THE CERTIFIED USED OIL
3 RECYCLING SITES WITHIN THE 9582 AND ANY 95820,
4 95821, AND ANY OF THE 9582 ZIP CODE AREAS. TAKE A
5 MOMENT HERE. WE'RE BACK.

6 SO THIS IS REALLY SORT OF AN AUGMENT
7 OR AN ADJUNCT TO THE TELEPHONE HOTLINE KINDS OF
8 CAPABILITIES.

9 AND, DOUG, IF YOU WOULD LIKE TO
10 BRIEFLY DISCUSS THE CONSTRUCTION AND DEMOLITION.

11 MR. RALSTON: ONE OF THE MORE SOPHISTI-
12 CATED SITES WITHIN THE INTERNET HOME PAGE IS THE
13 CONSTRUCTION AND DEMOLITION RECYCLING PROGRAM.
14 AND I THINK YOU BEGIN TO SEE SOME OF THE POWER AND
15 DEPTH OF THIS PARTICULAR MEDIA AS SHOWN IN THIS
16 PARTICULAR PAGE. FOR EXAMPLE, THERE'S FACT SHEETS
17 ON THE CONSTRUCTION AND DEMOLITION RECYCLING
18 PROGRAM.

19 THERE'S ALSO A PRESIDIO CASE STUDY
20 IN WHICH THE CASE STUDY GOES THROUGH THE ACTUAL
21 DECONSTRUCTION OF A PARTICULAR BUILDING. IN DOING
22 THAT DECONSTRUCTION, THEY WERE ABLE TO ACTUALLY
23 COST OUT VARIOUS MATERIAL TYPES, GIVE AN APPROACH
24 HOW TO GO ABOUT DECONSTRUCTION, GIVE SOME
25 BACKGROUND ON THE ACTUAL BUILDING SITE, AND IN

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1 THIS CASE HAVE ACTUALLY SCANNED IN A PICTURE OF
2 THE BUILDING AND TALK SPECIFICALLY ABOUT THE
3 MATERIALS DECONSTRUCTED FROM IT.

4 SO IF YOU WERE TO COME INTO THIS AND
5 WANTING TO KNOW MORE ABOUT CONSTRUCTION AND
6 DEMOLITION AND HOW TO SALVAGE SOME OF THESE
7 MATERIALS, THIS WOULD BE AN EXCELLENT TEACHING
8 TOOL.

9 MR. ARSTEIN-KERSLAKE: SO THAT VERY
10 BRIEFLY IS AN OVERVIEW OF THE CIWMB INTERNET SITE.
11 IN TERMS OF SOME OF THE FUTURE DIRECTIONS, WE SEE
12 THIS AS KEY TO PROVIDING CIWMB SERVING IN THE ROLE
13 AS THE INFORMATION PROVIDER, LEADING INFORMATION
14 PROVIDER REGARDING WASTE MANAGEMENT WITHIN THE
15 STATE OF CALIFORNIA. IT PROVIDES THAT CENTRALIZED
16 REPOSITORY OF INFORMATION. IT IS FULLY INDEXED
17 AND SEARCHABLE.

18 IT IS -- IN THE FUTURE WE'RE GOING
19 TO PROVIDE INCREASING DATABASE ACCESS. MORE AND
20 MORE OF OUR INTERNAL DATABASES OR PORTIONS OF OUR
21 DATABASES, SUCH AS THE SWIS SYSTEM, SOLID WASTE
22 MANAGEMENT INFORMATION SYSTEM, THE WASTE TIRE
23 HAULER INFORMATION. I BELIEVE WE'RE GOING TO HAVE
24 THOSE UP WITHIN A MONTH OR TWO. THE WASTE
25 CHARACTERIZATION SYSTEM WILL BE UP ALSO VERY

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SHORTLY.

WE ARE WORKING TOWARDS GIS MAPPING CAPABILITIES. SO, FOR INSTANCE, THE CERTIFIED USED OIL RECYCLING SITES PROVIDE THE CAPABILITY TO SEE A LISTING OF THOSE OR TO PROVIDE THE MAP OF YOUR AREA SHOWING WHERE THOSE WOULD BE LOCATED. WE'RE ALSO GOING TO ENHANCE THE SEARCH CAPABILITIES TO PROVIDE EVEN GREATER CAPABILITIES FOR THE USERS TO PROVIDE PARTIAL SEARCHING.

AGAIN, WE'RE GOING TO CONTINUE TO PROVIDE THAT TECHNICAL SUPPORT FROM THE INFORMATION MANAGEMENT BRANCH PERSPECTIVE, TECHNICAL SUPPORT AND INFRASTRUCTURE TO MAKE IT ALL WORK, AND AT THE SAME TIME PROVIDING EVEN ENHANCED CAPABILITIES IN THE PROGRAM AREAS TO INCREASE CONTENT AND EDIT THE CONTENT AND WORK WITH THE OFFICE OF PUBLIC AFFAIRS IN TERMS OF REVIEWING THAT AND MAKING THAT AVAILABLE TO OUR CUSTOMERS.

THE -- WE'RE ALSO LEVERAGING THE SAME TECHNOLOGY FOR INTERNAL USE BECAUSE WE HAVE THE TECHNOLOGY BASE IN PLACE HERE. WE ALSO SEE THIS AS THE CAPABILITY FOR AN INTERNAL WEB, WHICH WILL PROVIDE EFFICIENCIES, I THINK, IN TERMS OF OUR EXCHANGE OF INFORMATION INTERNALLY.

ARE THERE ANY QUESTIONS THAT I COULD

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1 ANSWER FOR YOU REGARDING OUR CIWMB WEB SITE?

2 CHAIRMAN PENNINGTON: QUESTIONS?

3 BOARD MEMBER GOTCH: NO, BUT IT LOOKS
4 GREAT.

5 CHAIRMAN PENNINGTON: THE ONLY QUESTION I
6 WOULD HAVE IS DO WE KNOW WHO'S CONTACTING US?

7 MR. ARSTEIN-KERSLAKE: WE CAN TELL THOSE
8 THAT ARE CONTACTING FROM EXTERNAL TO OUR
9 ORGANIZATION, FOR INSTANCE, IN TERMS OF THE
10 NUMBERS OF FOLKS THAT ARE. WE DON'T DIRECTLY
11 KNOW -- WE PROVIDE THE OPPORTUNITY FOR THEM TO
12 CONTACT US, BUT OTHERWISE WE KNOW THEIR ADDRESS.
13 SORT OF ANALOGOUS TO A PHONE NUMBER. WE KNOW THE
14 PHONE NUMBERS THAT THEY ACCESS US VIA, BUT WE
15 ACTUALLY DON'T KNOW THE SPECIFIC IDENTITIES UNLESS
16 THEY OPT TO PROVIDE THAT TO US.

17 CHAIRMAN PENNINGTON: WE DO KNOW HOW MANY
18 CONTACT US?

19 MR. ARSTEIN-KERSLAKE: YES, WE DO.
20 THE CONTACTS AT THE HIGHEST LEVEL ARE
21 APPROXIMATELY ABOUT 4,000 PER MONTH, WHICH IS, I
22 THINK, PRETTY GOOD AND PROBABLY ON PAR WITH THE
23 TOTAL NUMBER OR I THINK A LITTLE HIGHER THAN THE
24 TOTAL NUMBER OF CALLS THAT WERE RECEIVED IN THE
25 HOTLINE CENTER. SO I THINK IT'S A VERY
IMPORTANT

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1 INFORMATION ACCESS POINT FOR CUSTOMERS.

2 BOARD MEMBER RELIS: YOU KNOW, I WOULD
3 JUST SAY THAT, AND I'M SPEAKING TO MYSELF IN
4 MAKING THIS REMARK, THAT I OFTEN FORGET WHEN I'M
5 OUT TO REFER TO OUR WEB SITE. AND I THINK
6 INCREASINGLY WHEN WE LOOK AT OUR TECHNICAL
7 ASSISTANCE ROLE WITH THIS VAST INFORMATION, I
MEAN

8 THIS IS REALLY THE EQUIVALENT TO BEING AT OUR
9 BRIEFINGS WHEN WE HAVE COMMITTEE MEETINGS AND WE
10 HAVE DETAILED REPORTS THAT WE WOULD LIKE TO
11 COMMUNICATE OUTSIDE, BUT WE OFTEN DON'T HAVE THAT
12 INFORMATION. NOW WE DO. WE JUST HAVE TO REMIND
13 OURSELVES TO TELL OTHER PEOPLE HOW TO ACCESS IT.

14 CHAIRMAN PENNINGTON: MR. LEARY WOULD
15 LIKE TO ADDRESS US ON THIS ISSUE.

16 MR. LEARY: THANK YOU, MR. CHAIRMAN. MY
17 NAME IS MARK LEARY WITH BROWNING-FERRIS
18 INDUSTRIES. I COULDN'T HELP BUT STEP TO THE
19 PODIUM AND SPEAK IN SUPPORT OF THIS EFFORT. AS A
20 GUY WHO IS RESPONSIBLE FOR REGULATORY ACTIVITIES
21 FOR BFI ACROSS TEN STATES AND TWO WESTERN

CANADIAN

22 PROVINCES, THE INTERNET, AS A TOOL, IS VERY
23 USEFUL. AND THE BOARD HAVING A WEB SITE THAT IS
24 AS USEFUL AND AS CLIENT ORIENTED OR CUSTOMER

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25 ORIENTED AS THIS ONE IS A GREAT BENEFIT TO YOUR

1 STAKEHOLDERS.

2 I JUST WANTED TO SPEAK IN SUPPORT.

3 I KNOW IT'S A SIGNIFICANT EFFORT TO MAINTAIN A
4 SITE LIKE THIS, BUT THIS IS OUTSTANDING. THIS IS
5 TRULY OUTSTANDING. I'VE BROWSED A LOT OF SITES
6 FROM REGULATORY AGENCIES. THE CALIFORNIA ENERGY
7 COMMISSION MAINTAINS A VERY HIGH PROFILE, VERY
8 EXCELLENT SITE, BUT THIS IS COMPARABLE. I APPLAUD
9 THE STAFF AND BOARD'S COMMITMENT TO THIS EFFORT.

10 CHAIRMAN PENNINGTON: THANK YOU, MR.
11 LEARY. AND WE THANK THE STAFF.

12 MR. CHANDLER: MR. CHAIRMAN, I DON'T WANT
13 TO BELABOR THIS, BUT I DO WANT TO ACKNOWLEDGE
14 GARY. MY WIFE SERVES AS THE PUBLIC INFORMATION
15 OFFICER AT THE ENERGY COMMISSION, AND I GUESS I
16 WAS GETTING NEEDLED A FEW TOO MANY TIMES WHEN SHE
17 WAS ACKNOWLEDGING THE AWARDS THEY WERE GETTING FOR
18 THEIR INFORMATION SITE. AND I PULLED GARY IN AND
19 I SAID, "GARY, WE'RE GOING TO BE JUST AS GOOD AS
20 THE ENERGY COMMISSION IF NOT BETTER."

21 AND SURE ENOUGH, I THINK HE'S RISEN
22 TO THE OCCASION, MADE THE INVESTMENT, THE TIME,
23 ENERGY, AND EFFORT. AND SECONDARY TO THAT
24 COMMENTARY IS REALLY YOUR VISION TO HAVE US BE
25 SEEN AS AN INFORMATION BASED ORGANIZATION BEYOND

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1 THE YEAR 2000. AND I THINK WE'RE WELL ON OUR WAY
2 TO DO THAT.

3 SO I WANT TO PAT GARY AND HIS GREAT
4 STAFF ON THE BACK AND FOR ALL THE WORK OUT IN THE
5 DIVISIONS AS WELL. AS GARY WOULD BE THE FIRST TO
6 ATTEST, WE DIDN'T GET THE LEA INFORMATION UP
7 WITHOUT DOROTHY'S EFFORTS. AND IT GOES ON WITH
8 THE USED OIL PROGRAM AND EVERYTHING THAT WE'RE
9 DOING IN MARKETS AND ACROSS THE BOARD. SO I
WANT

10 TO THANK THE STAFF THAT'S SUPPORTING, KEEPING
THIS
11 CURRENT. AND GOOD JOB, GARY. THANK YOU.

12 MR. ARSTEIN-KERSLAKE: THANK YOU.

13 CHAIRMAN PENNINGTON: VERY GOOD JOB,
14 GARY. SMART MOVE TO GET MRS. CHANDLER OFF
RALPH'S

15 BACK.

16 OKAY. MOVING ON TO THE CONSENT
17 CALENDAR, ITEM NO. 4. LET'S SEE. THE CONSENT
18 CALENDAR INCLUDES ITEMS 5 THROUGH 9, 12(C),
12(E),
19 12(G), 13 THROUGH 32, AND 35 THROUGH 39.

20 IS THERE ANYBODY WHO WISHES TO
PULL

21 ANYTHING OFF THE CONSENT CALENDAR?

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22 BOARD MEMBER GOTCH: I 'LL MOVE THE
23 CONSENT CALENDAR .
24 BOARD MEMBER JONES: I 'LL SECOND .
25 CHAIRMAN PENNINGTON: BEEN MOVED AND

1 SECONDED. WILL THE SECRETARY CALL THE ROLL.

2 BOARD SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: (NO AUDIBLE

4 RESPONSE).

5 BOARD SECRETARY: FRAZEE.

6 BOARD MEMBER FRAZEE: AYE.

7 BOARD SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 BOARD SECRETARY: JONES.

10 BOARD MEMBER JONES: AYE.

11 BOARD SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 BOARD SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION

15 CARRIES.

16 WE'LL MOVE TO ITEM NO. 10.

17 MS. TRGOVCICH: GOOD MORNING, MR.

18 CHAIRMAN AND MEMBERS. I'M CAREN TRGOVCICH,

DEPUTY

19 DIRECTOR FOR THE WASTE PREVENTION AND MARKET

20 DEVELOPMENT DIVISION. ITEM NO. 10 IS

21 CONSIDERATION OF AWARD OF THE FISCAL YEAR 1996-97

22 PLAYGROUND COVER GRANTS.

23 BRIEFLY, BEFORE WE GET INTO THE

24 PRESENTATION, I'D JUST LIKE TO PROVIDE AN

OVERVIEW

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25 OF WHAT THIS ITEM DOES. LAST NOVEMBER THE BOARD

1 ALLOCATED \$250,000 IN FUNDS TO BE MADE AVAILABLE
2 IN THE FORM OF MATCHING GRANTS TO LOCAL SCHOOL
3 DISTRICTS, PARKS AND RECS DISTRICTS, ETC., TO BE
4 USED FOR THE INSTALLATION -- PURCHASE AND
5 INSTALLATION OF PLAYGROUND MATS MADE OUT OF WASTE
6 TIRES. AND THERE ARE A VARIETY OF PROCESSES TO
7 GET TO THIS END.

8 THE BOARD STAFF WENT THROUGH A
9 PROCESS TO BE ABLE TO MOVE THROUGH THIS CYCLE.
10 AND WHEN THIS ITEM WAS PRESENTED AT COMMITTEE
11 EARLIER THIS MONTH, THE COMMITTEE'S INTENT WAS TO
12 FULLY FUND ALL APPLICATIONS RECEIVED. APPLICA-
13 TIONS WERE RECEIVED THAT TOTALLED APPROXIMATELY
14 \$350,000. WITH THE ACTION THAT THE BOARD TOOK IN
15 SAN BERNARDINO LAST MONTH, ALONG WITH ACTIONS THAT
16 THE COMMITTEE TOOK THIS MONTH, THE COMMITTEE WAS
17 ABLE TO COME UP AND ACHIEVE THE FULL FUNDING OF
18 ALL OF THE PLAYGROUND GRANT APPLICATIONS THAT WERE
19 ELIGIBLE UNDER THE CRITERIA SPECIFIED BY THE
20 BOARD.

21 SO BEFORE WE MOVE INTO THE STAFF
22 PRESENTATION, I'D LIKE TO ASK IF THERE ARE ANY
23 QUESTIONS OR COMMENTS BEFORE WE MOVE INTO THE
24 ACTUAL AWARDS.

25 CHAIRMAN PENNINGTON: I THINK MR. RELIS.

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1 BOARD MEMBER RELIS: YES, MR. CHAIR,
2 THANK YOU. LET ME CLARIFY THE ACTUAL MOTION AT
3 THE APRIL BOARD MEETING REGARDING THE FISCAL YEAR
4 '96-'97 TIRE FUND REALLOCATION. UNFORTUNATELY
5 THERE HAS BEEN CONFUSION ABOUT THIS BECAUSE AT THE
6 TIME I MADE MY MOTION, THERE WAS A SET OF NUMBERS
7 ON THE OVERHEAD SCREEN IN THE BACKGROUND.
8 HOWEVER, MY MOTION WAS BASED ON A DIFFERENT SET OF
9 FUNDING LEVELS, THE ONES THAT WERE IN MR. JONES'
10 ORIGINAL MOTION. THERE WERE A LOT OF NUMBERS
11 FLYING AROUND.

12 THE ACTUAL ALLOCATION IN MY MOTION
13 FOR THE PLAYGROUND COVER GRANTS WAS \$81,829, WHICH
14 IS 750 LESS THAN THE TOTAL IN THE ADMINISTRATION
15 COMMITTEE'S RECOMMENDATIONS. SO THAT'S IT.
16 THAT'S THE MOTION.

17 CHAIRMAN PENNINGTON: THANK YOU. ANY
18 OTHER DISCUSSION BEFORE MS. TRGOVCICH?

19 MS. TRGOVCICH: IF THE BOARD WOULD LIKE,
20 WE CAN PROCEED TO PROVIDE A VERY BRIEF PRESENTA-
21 TION OUTLINING THE PROCESS AND THEN THE ACTUAL
22 GRANT AWARDS. OR IF YOU WOULD LIKE, WE CAN
23 PROCEED WITH THE ACTION ON THE ITEM.

24 CHAIRMAN PENNINGTON: UNLESS ANYBODY
25 WANTS TO GO THROUGH ALL THIS AGAIN, I'LL MAKE A

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1 MOTION.

2 MS. TRGOVCICH: WHY DON'T WE MOVE IT UP
3 ON THE SCREEN.

4 BOARD MEMBER GOTCH: CAREN, I'M WONDERING
5 WHAT STAFF FOUND OUT WHETHER -- ABOUT WHETHER THE
6 RECIPIENTS CAN POST SIGNAGE REGARDING THIS BEING
7 FUNDED BY THE WASTE BOARD AND/OR HOW MANY WASTE
8 TIRES WERE USED? DO WE HAVE ANY INFORMATION ON
9 THAT YET?

10 MS. TRGOVCICH: I BELIEVE WE WERE ASKED
11 TO LOOK AT THE SIGNAGE ISSUE, AND I'LL ASK IN A
12 MINUTE FOR MARTHA TO RESPOND. BUT AS I UNDERSTAND
13 IT, LEGAL HAS BEEN LOOKING AT THAT, AND IT WAS NOT
14 A PART OF THE ORIGINAL NOTICE OF FUNDS AVAILA-
15 BILITY. WE CAN WORK WITH THE JURISDICTIONS TO
16 SEE -- YOU KNOW, TO COAX THEM INTO PROVIDING THAT
17 SIGNAGE. IT MAY BE DIFFICULT FOR US BECAUSE OF
18 THE PARAMETERS AROUND THE NOPA TO ACTUALLY REQUIRE
19 IT IF THEY ARE RESISTANT. HOWEVER, THEY ARE
20 GETTING 50 PERCENT OF THEIR FUNDING FROM THE BOARD
21 FOR THIS, SO WE HOPE THAT THEY WILL LOOK AT THIS
22 AS VERY POSITIVE AND WANT TO BE ABLE TO DISPLAY
23 AND POST THE FACT THAT THESE MATS ARE MADE OUT OF
24 RECYCLED WASTE TIRES.

25 BOARD MEMBER GOTCH: SECONDLY, HOW IS

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1 STAFF GOING TO DETERMINE WHETHER CALIFORNIA TIRES
2 WERE USED IN THE MAT PROJECTS?

3 MS. TRGOVCICH: PART OF THE STANDARD
4 AGREEMENTS THAT WE WILL BE ENTERING INTO WILL
5 REQUIRE A CERTIFICATION ON THE PART OF THE
6 RECIPIENTS. WE ARE NOT PROPOSING TO GO OUT AND
7 MONITOR OR AUDIT EACH AND EVERY MANUFACTURER OF
8 THE MATS THEMSELVES. THE ONUS WILL BE UPON THE
9 RECIPIENT OF THE GRANT AWARD TO CERTIFY TO THE
10 FACT THAT THEY HAVE AN AGREEMENT WITH THE
11 MANUFACTURER, AND THAT AGREEMENT IS TO PROVIDE
12 CALIFORNIA WASTE TIRES AS THE BASIS FOR THOSE
13 MATS.

14 SO IT WILL BE AN AGREEMENT IN THE
15 FORM OF BOTH THE STANDARD AGREEMENT AS WELL AS ANY
16 SUBSEQUENT CONTRACTUAL RELATIONSHIP THAT THE GRANT
17 RECIPIENT WILL ENTER INTO WITH THE MANUFACTURER OF
18 THE PRODUCT.

19 CHAIRMAN PENNINGTON: OKAY. ANY
20 ADDITIONAL QUESTIONS? IF NOT, I'LL GO AHEAD AND
21 MAKE A MOTION HERE THAT I THINK CLEARS THIS UP AND
22 FOLLOWS THE MATERIAL ON THE BOARD.

23 I'LL MAKE A MOTION TO APPROVE
24 RESOLUTION 97-152 TO FULLY FUND THE GRANTS
25 RECOMMENDED BY STAFF IN ATTACHMENT A FOR A TOTAL

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1 OF \$350,078.66. THE ALLOCATIONS FOR THIS FUNDING
2 COMES FROM \$250,000 APPROVED BY THE BOARD IN
3 NOVEMBER 1996; \$81,829 APPROVED BY THE BOARD IN
4 APRIL '97; \$9,390 OF UNALLOCATED FUNDS; AND
5 \$8,859.66 FROM THE PRUDENT RESERVE. THAT'S A
6 MOTION.

7 BOARD MEMBER GOTCH: I'LL SECOND IT.

8 CHAIRMAN PENNINGTON: THANK YOU. ANY
9 DISCUSSION OF THIS MOTION? IF NOT, WILL THE
10 SECRETARY CALL THE ROLL.

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: AYE.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: AYE.

17 BOARD SECRETARY: JONES.

18 BOARD MEMBER JONES: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: AYE.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: AYE. MOTION
23 CARRIES. AND THANK YOU FOR YOUR INDULGENCE IN
24 TRYING TO GET US THE EXACT NUMBERS AND BE LEGAL.
25 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I

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1 WAS OUT OF THE ROOM SPEAKING WITH BOARD COUNSEL AT
2 THE TIME THAT THE CONSENT CALENDAR CAME UP. CAN
3 YOU PLEASE INDULGE ME AND ENTER MY VOTE AS AYE IN
4 FAVOR OF THE CONSENT?

5 CHAIRMAN PENNINGTON: CERTAINLY. LET THE
6 RECORD SHOW THAT MR. CHESBRO VOTED AYE ON THE
7 CONSENT CALENDAR.

8 MOVING TO ITEM 11, CONSIDERATION OF
9 REALLOCATION OF FISCAL -- JUST DONE THAT. SORRY.

10 CONSIDERATION OF REALLOCATION OF
11 FISCAL YEAR '96-'97 FUNDS PREVIOUSLY APPROVED BY
12 CONTRACT CONCEPT 12-WPM-IWM, YARD WASTE
13 PREVENTION. MS. TRGOVCICH.

14 MS. TRGOVCICH: THANK YOU, AGAIN, MR.
15 CHAIRMAN. THIS ITEM WAS CONSIDERED IN COMMITTEE.
16 WHAT THIS ITEM --

17 CHAIRMAN PENNINGTON: ONE SECOND.

18 (RECESS TAKEN.)

19 CHAIRMAN PENNINGTON: OKAY, FOLKS. LET'S
20 COME BACK TO ORDER. I THINK MAYBE WE CAN SEE IF
21 WE CAN GET THE SQUEALING TAPE TO STOP SQUEALING.
22 IF WE HAVEN'T, WE'LL TRY TO DO SOMETHING ABOUT IT
23 AT LUNCHTIME.

24 ITEM 11, CONSIDERATION OF
25 REALLOCATION OF FISCAL YEAR '96-'97 FUNDS

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1 PREVIOUSLY APPROVED BY CONTRACT CONCEPT
2 12-WPM-IWM, YARD WASTE PREVENTION. MS. TRGOVCICH.

3 MS. TRGOVCICH: GOOD MORNING, MR.
4 CHAIRMAN AND MEMBERS. TO BEGIN AGAIN, ORIGINALLY
5 THIS ITEM OR CONCEPT WAS INCLUDED AS A PART OF THE
6 CONTRACT CONCEPTS SUBMITTED TO THE BOARD FOR
7 CONSIDERATION LAST MAY. AND THE CONTRACT CONCEPTS
8 WERE TO COVER THE FISCAL YEAR '96-'97. AS A PART
9 OF THAT CONTRACT CONCEPT CYCLE, THERE WAS A
10 CONTRACT CONCEPT PROPOSED AND FUNDS WERE ALLOCATED
11 TO SUPPORT THE DEVELOPMENT OF A YARD WASTE
12 PREVENTION POSTER.

13 AS THE MONTHS PROGRESSED, IT BECAME
14 APPARENT THAT THE PRIOR YEAR CYCLE IN WHICH
15 ANOTHER SIMILAR CONTRACT CONCEPT HAD BEEN APPROVED
16 TO DEVELOP A SIMILAR POSTER WAS PROCEEDING BEHIND
17 SCHEDULE, AND WE, IN FACT, HAD NOT YET RECEIVED
18 DELIVERY OF THE PRIOR YEAR POSTER NOR DISTRIBUTED
19 IT NOR EVALUATED ITS EFFECTIVENESS TO DETERMINE
20 WHAT NEXT STEPS WOULD BE TAKEN AND IF ANOTHER
21 POSTER WOULD BE APPROPRIATE.

22 AT THE TIME DURING MIDYEAR OF
23 1996/97, I SENT A MEMO FORWARD INDICATING THAT
24 BECAUSE WE HAD JUST TAKEN DELIVERY OF THE PRIOR
25 YEAR POSTER AT THAT POINT IN TIME AND HAD YET TO

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1 DISTRIBUTE IT TO THE VARIOUS RETAILERS THAT HAD
2 WANTED TO BE ABLE TO DISPLAY IT AS A PART OF OUR
3 GRASSCYCLING CAMPAIGN, THAT WE WERE NOT GOING TO
4 BE PROCEEDING TO DEVELOP A SUBSEQUENT POSTER AT
5 THIS TIME.

6 THE PURPOSE OF THIS ITEM IS TO
7 CONSIDER WHETHER OR NOT TO REALLOCATE THE ORIGINAL
8 \$25,000 SET ASIDE FOR THE DEVELOPMENT OF THE YARD
9 WASTE PREVENTION POSTER TO TRAIN MASTER
10 COMPOSTERS. AT THE MAY COMMITTEE MEETING, THE
11 STAFF PRESENTED THREE OPTIONS TO THE BOARD OR TO
12 THE COMMITTEE FOR THE COMMITTEE'S CONSIDERATION.
13 ONE OPTION WAS TO REALLOCATE FUNDS TO TRAIN
14 COMPOSTERS, ANOTHER OPTION WAS TO MODIFY THE
15 PROPOSAL, AND THE THIRD OPTION WAS NOT TO
16 REALLOCATE THE FUNDS.

17 THE STAFF DID NOT SUBMIT A
18 RECOMMENDATION AT THAT TIME; HOWEVER, THE MEMO OF
19 DECEMBER OF LAST YEAR INDICATED THAT WE WOULD NOT
20 BE PROPOSING TO REALLOCATE THOSE FUNDS OR WE WERE
21 NOT PROPOSING ANYTHING IN THE PLACE OF THE YARD
22 WASTE PREVENTION POSTER.

23 THERE ARE SEVERAL OPTIONS WITHIN THE
24 TRAINING OF MASTER COMPOSTERS THAT WERE INDICATED,
25 AND THE STAFF PRESENTATION OR STAFF ANALYSIS AT

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1 THE TIME INDICATED THAT WE'RE NOT QUITE SURE
2 WHETHER OR NOT 25,000 -- WHAT \$25,000 WOULD GET US
3 AND WHETHER OR NOT A BROADER EFFORT WOULD NEED TO
4 BE CONSIDERED IN ORDER FOR IT TO BE EFFECTIVE.

5 THE COMMITTEE DIRECTED STAFF TO GO
6 BACK AS A PART OF THE 1997-98 CONTRACT CONCEPT
7 CYCLE AND DEVELOP A CONCEPT THAT WOULD BE
8 CONSIDERED AS A PART OF A LARGER GROUP OF CONTRACT
9 CONCEPTS FOR THIS FISCAL YEAR AND DEVELOP A
10 CONCEPT WHICH WOULD LOOK AT WHAT IT WOULD TAKE TO
11 MAKE A MASTER COMPOST TRAINING PROGRAM EFFECTIVE
12 AND AT WHAT DOLLAR AMOUNT THAT WOULD BE
13 APPROPRIATE. AND THAT WAS THE ACTION THAT CAME
14 OUT OF THE COMMITTEE AT THE TIME. I'D BE HAPPY TO
15 ANSWER ANY QUESTIONS IF YOU WOULD LIKE.

16 BOARD MEMBER RELIS: MR. CHAIR.

17 CHAIRMAN PENNINGTON: MR. RELIS.

18 BOARD MEMBER RELIS: I HAD ASKED THAT
19 THIS MATTER BE CALENDARED ON THE COMMITTEE AGENDA.
20 AND IN LIGHT OF THE DISCUSSION THAT WE HAD IN
21 COMMITTEE AND AN INDICATION, BOTH A SENSE THAT
22 THERE MIGHT NOT BE FOUR VOTES FOR SUCH AN
23 ALLOCATION AT THIS POINT, JUST A SENSE, I WAS
24 WILLING TO GO ALONG WITH THE IDEA OF LOOKING AT
25 THAT AS A PRIORITY MATTER FOR NEXT FISCAL YEAR,

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1 REALIZING THAT THE BUDGET, THE NUMBERS THAT WERE
2 THERE -- IT'S A FIXED NUMBER AND WE HADN'T REALLY
3 LOOKED AT THAT FROM THE STANDPOINT OF A REAL
4 BUDGETING FOR THIS FUNCTION. WE'RE JUST LOOKING
5 AT TAKING THE NUMBER OF DOLLARS AND APPLYING IT
6 DIRECTLY. SO WITH THAT IN MIND, I'M COMFORTABLE
7 WITH THE COMMITTEE RECOMMENDATION.

8 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

9 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

10 BOARD MEMBER CHESBRO: LORD KNOWS WE
11 DON'T SPEND ENOUGH MONEY ON WASTE PREVENTION AS IT
12 IS. WE HAVE A TINY PORTION OF OUR BUDGET ACTUALLY
13 ALLOCATED TO WASTE PREVENTION ACTIVITIES EVEN
14 THOUGH STATE LAW MAKES IT THE TOP OF THE WASTE
15 MANAGEMENT HIERARCHY FOR PRACTICES. AND \$25,000
16 IS A SMALL AMOUNT, ADMITTEDLY, BUT THE CLOCK IS
17 TICKING AND WE OUGHT TO BE DOING EVERYTHING WE CAN
18 AT THE EARLIEST OPPORTUNITY THAT WE CAN. IF IT'S
19 NOT ENOUGH TO DO THE WHOLE THING, THEN LET'S DO A
20 PILOT PROJECT TO LEARN ABOUT IT SO THAT WHEN WE
21 TALK ABOUT A CONTRACT NEXT YEAR, WE KNOW MORE
22 ABOUT WHAT IT WOULD TAKE.

23 BUT I THINK IT WOULD BE PENNY WISE
24 AND POUND FOOLISH FOR US TO SAY, "OH, WELL, LET'S
25 THINK ABOUT IT LATER." WE DON'T HAVE MUCH TIME TO

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1 BE THINKING ABOUT THESE THINGS LATER. I SUPPORT
2 PROCEEDING.

3 THE OTHER THING IS THAT IT'S SO
4 SIMILAR TO WHAT THE ORIGINAL INTENT WAS. WE'RE
5 TALKING ABOUT YARD WASTE PREVENTION THAT I'M
6 SURPRISED WE EVEN HAD TO COME TO THE POINT OF A
7 BOARD DISCUSSION ABOUT IT. I CAN'T UNDERSTAND WHY
8 STAFF WOULDN'T COME BACK TO US AT AN INFORMAL
9 LEVEL FOR A CHANGE -- ENOUGH OF A CHANGE TO
10 EFFECTIVELY PLUG IN THE MONEY AND DO SOMETHING
11 WITH IT.

12 SO I'M GOING TO MOVE THAT WE APPROVE
13 OPTION 1. AND LIKE I SAY, I WISH WE COULD HAVE
14 DONE IT WITHOUT WAITING TILL THIS LATE IN THE
15 FISCAL YEAR AND WITHOUT IT HAVING TO COME ALL THE
16 WAY TO THE BOARD TO DECIDE ABOUT REALLOCATING
17 \$25,000.

18 BOARD MEMBER GOTCH: AND I'LL SECOND THE
19 MOTION. IN COMMITTEE I WAS THE ONE DISSENTING
20 VOTE TO GO AHEAD AND REALLOCATE THE FUNDS TO TRAIN
21 THE MASTER COMPOSTERS.

22 BOARD MEMBER JONES: MR. CHAIRMAN.

23 CHAIRMAN PENNINGTON: MR. JONES.

24 BOARD MEMBER JONES: I'D LIKE TO MAKE A
25 SUBSTITUTE MOTION.

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1 CHAIRMAN PENNINGTON: CERTAINLY.

2 BOARD MEMBER JONES: I'D LIKE TO, WITH A
3 BIT OF AN EXPLANATION, I AGREE THAT I THINK WASTE
4 PREVENTION IS CRITICAL. I'M WORKING RIGHT NOW
5 WITH THE CITY OF LOS ANGELES ON -- AT THEIR -- AT
6 THE REQUEST OF DREW SONES WHEN I WAS DOWN THERE ON
7 A VISIT WHERE HE FELT IT WAS IMPORTANT TO WORK
8 WITH THIS BOARD TO COME UP WITH A WAY TO PROVIDE
9 MULCHING LAWN MOWERS TO THE RESIDENTS OF L.A.
10 BECAUSE HE PAYS \$38 A TON TO COMPOST THAT
11 MATERIAL. AND HE FELT THAT IF HE DIDN'T -- IF IT
12 WASN'T GENERATED, OBVIOUSLY HE WOULDN'T BE
13 SPENDING THOSE DOLLARS AND THAT WOULD BE GOOD
14 WASTE PREVENTION.

15 I'M ALSO WORKING WITH STAFF ON WHAT
16 WAS ORIGINALLY THE TRANSPORT PACKAGING INITIATIVE,
17 AND IT'S BEEN CHANGED TO TRY TO MINIMIZE WASTE,
18 BUT BEING ALL INCLUSIVE BY INCLUDING EVERYBODY
19 FROM THE RETAILER DOWN TO THE MANUFACTURER AND
20 INCLUDING THE TRANSPORTERS AND WAREHOUSEMEN.

21 I THINK THAT IT IS CRITICAL THAT
22 WASTE PREVENTION PROGRAMS BE A PRIORITY OF
THIS
23 BOARD, BUT I ALSO THINK IT'S CRITICAL THAT
IN
24 LIGHT OF OUR FINANCIAL NEEDS AND OUR

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RESOURCES

25 THAT ARE AVAILABLE, I THINK THAT IT WAS MY

1 RECOMMENDATION THAT WE INCLUDE THE MASTER
2 COMPOSTERS, WHEN WE GET READY TO DEAL WITH
3 DISCRETIONARY FUNDS, THAT IT BE A PRIORITY.

4 I THINK IT IS CRITICAL THAT IT IS A
5 PRIORITY, BUT I ALSO THINK IT'S CRITICAL THAT WE
6 KNOW WHAT WE'RE GETTING FOR THE DOLLARS. I THINK
7 \$25,000, TO THROW WHAT IS LEFT IN A BUDGET AT AN
8 ITEM NOT KNOWING WHAT WE'RE GOING TO GET FOR THAT
9 BANG FOR THE BUCK IS GOVERNMENT AT ITS NORMAL
10 LEVEL. WE GOT MONEY LEFT, LET'S SPEND IT.

11 I THINK IT'S MORE PRUDENT ON THIS
12 BOARD TO TAKE THOSE DOLLARS, HOLD ON TO THEM. I
13 DON'T CARE IF WE SPEND \$150,000 NEXT YEAR IF WE
14 HAVE IT IF, IN FACT, THAT IS WHAT IT'S GOING TO
15 TAKE TO DO A GOOD ALL INCLUSIVE JOB. I'M NOT
16 SUGGESTING THAT, BUT I'M SAYING THAT IS -- THAT'S
17 HOW IMPORTANT I THINK IT IS THAT WE REALLY LOOK AT
18 THIS AND PUT IN THE DOLLARS THAT WE NEED TO DO.

19 SO RESPECTFULLY I OFFER THIS
20 SUBSTITUTE KNOWING THE IMPORTANCE OF THE ISSUE,
21 BUT TRYING TO BE FISCALLY RESPONSIBLE IN GIVING US
22 THE BIGGEST BANG FOR THE LIMITED DOLLAR. AND I'LL
23 WORK WITH THE BOARD MEMBERS TO MAKE SURE THAT WE
24 HAVE A PROGRAM THAT'S REAL THE NEXT PROCESS -- YOU
25 KNOW, THROUGH THE NEXT BUDGET PROCESS BECAUSE I

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1 THINK THIS IS CRITICALLY IMPORTANT. SO THAT'S MY
2 MOTION.

3 CHAIRMAN PENNINGTON: WOULD YOU STATE THE
4 MOTION?

5 BOARD MEMBER JONES: MY MOTION IS NOT TO
6 REALLOCATE THE FUNDS, TO REALLOCATE THEM BACK TO
7 THE IWMA AND TO LOOK AT THESE ISSUES WITH RENEWED
8 ENTHUSIASM IN THE NEXT BUDGET YEAR ALLOCATIONS.

9 BOARD MEMBER RELIS: MR. CHAIR, WITH MR.
10 JONES' RENEWED ENTHUSIASM, I CONSIDER A STRONG
11 ENDORSEMENT OF THIS PROGRAM, I'LL SUPPORT THE
12 SUBSTITUTE MOTION.

13 CHAIRMAN PENNINGTON: OKAY. THAT'S
14 YOUR -- YOU'LL SECOND IT.

15 BOARD MEMBER RELIS: I SECOND IT.

16 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
17 DISCUSSION ON THE SUBSTITUTE MOTION? IF NOT, WILL
18 THE SECRETARY CALL THE ROLL, PLEASE.

19 BOARD SECRETARY: BOARD MEMBER CHESBRO.

20 BOARD MEMBER CHESBRO: NO.

21 BOARD SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE:

AYE.

23 BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: NO.

25 BOARD SECRETARY: JONES.

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1 BOARD MEMBER JONES: AYE.

2 BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 BOARD SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE. SUBSTITUTE

6 MOTION CARRIES.

7 MOVING TO ITEM 12, STATE

8 LEGISLATION. PATTY ZWARTS.

9 MS. ZWARTS: GOOD MORNING, CHAIRMAN
10 PENNINGTON AND BOARD MEMBERS. YOU HAVE FIVE BILLS
11 BEFORE YOU TODAY FOR CONSIDERATION OF A POSITION.
12 I'LL LAUNCH RIGHT INTO THEM.

13 THE FIRST BILL BEFORE YOU IS AB 117
14 BY ASSEMBLYMEMBER ESCUTIA. THIS BILL WOULD
15 REQUIRE THE BOARD TO ADOPT TIERED REGS BY OCTOBER
16 OF '98 FOR STATE MINIMUM STANDARDS FOR C&D WASTE
17 FACILITIES. IT ALSO PLACES A PROHIBITION ON THESE
18 FACILITIES SIX MONTHS AFTER THE EFFECTIVE DATE OF
19 OUR REGULATIONS.

20 THE ANALYSIS THAT'S IN YOUR PACKAGE,
21 THE MAY 15TH VERSION, HAS SINCE BEEN AMENDED ON
22 MAY 22D TO PROVIDE SOME TECHNICAL AMENDMENTS

AND

23 CLARIFY THAT THE EXEMPTION IN THE BILL FOR
MINING

24 FACILITIES DOES NOT QUALIFY FOR IMPORTING OF

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C&D

25 WASTE .

1 THIS BILL IS PRESENTLY IN THE
2 ASSEMBLY APPROPRIATIONS COMMITTEE FOR HEARING
3 ACTUALLY THIS MORNING. MAY BE UP AS WE SPEAK.
4 AND THE BILL HAS NO FISCAL IMPACT ON THE BOARD.

5 THE RECOMMENDATION FROM THE
6 COMMITTEE, THERE IS NO RECOMMENDATION ON THIS
7 PARTICULAR AMENDED VERSION BEFORE YOU TODAY. I'M
8 AVAILABLE FOR QUESTIONS ON THE BILL.

9 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
10 PATTY ZWARTS? IF NOT, DENISE DELMATIER WOULD
11 LIKE, I BELIEVE, TO ADDRESS THIS ONE. DENISE.
12 12(A), I ASSUME THAT'S --

13 MS. DELMATIER: GOOD MORNING, MR.
14 CHAIRMAN AND MEMBERS OF THE BOARD. DENISE
15 DELMATIER WITH THE GUALCO GROUP ON BEHALF OF
16 NORCAL WASTE SYSTEMS.

17 WE HAVE BEEN WORKING WITH THE
18 AUTHOR'S OFFICE ON THIS BILL AND HAVE WORKED WITH
19 THE STAFF IN PROPOSING SOME SUGGESTED AMENDMENTS.
20 WE'RE STILL IN PROCESS WITH WORKING WITH THE STAFF
21 ON THIS BILL AND APOLOGIZE FOR DISCUSSING THE
22 MATTER WITH THE CLIENT IN THE BACK OF THE
ROOM,

23 BUT WE WERE, IN FACT, DISCUSSING THIS BILL AND
24 SOME LANGUAGE AND THE APPROPRIATIONS COMMITTEE
25 ANALYSIS FOR PURPOSES OF TODAY. THE BILL IS

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UP

1 ALSO IN THE ASSEMBLY APPROPRIATIONS COMMITTEE.

2 THE ASSEMBLY APPROPRIATIONS
3 COMMITTEE ANALYSIS POINTS OUT THAT LOCALLY
4 PERMITTED RECYCLING FACILITIES WOULD BE EXEMPT
5 UNDER THE PROVISIONS OF THIS BILL. THAT IS A NEW
6 CONCERN OF OURS. AND SO WHILE WE REMAIN IN
7 SUPPORT OF THE BILL, THAT IS A CONCERN. WE, OF
8 COURSE, BELIEVE THAT THIS BOARD HAS JURISDICTION
9 OVER SOLID WASTE FACILITIES, INCLUDING THESE
10 FACILITIES. AND LOCALLY PERMITTED FACILITIES WE
11 WOULD NOT ENCOURAGE TO BE CONSTRUED TO BE EXEMPT
12 OR EXCLUDED AS RECYCLING FACILITIES.

13 IF THEY ARE MANUFACTURING
14 FACILITIES, AS WE WELL KNOW, THAT IS WHOLE ANOTHER
15 MATTER, AND POINT OF GENERATION FACILITIES WOULD
16 NEVER BE CONSTRUED TO BE PROCESSING FACILITIES.
17 BUT RECYCLING FACILITIES ARE PROCESSING
18 FACILITIES, AND OBVIOUSLY WE'LL CONTINUE THOSE
19 DISCUSSIONS WITH THE AUTHOR'S OFFICE. HAPPY TO
20 ANSWER ANY QUESTIONS.

21 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
22 DENISE? OKAY. NEXT WE HAVE MARK LEARY.

23 MR. LEARY: GOOD MORNING, MEMBERS OF THE
24 BOARD. MARK LEARY OF BROWNING-FERRIS INDUSTRIES.
25 I'M ALSO SPEAKING IN SUPPORT WITH THE CAVEAT THAT

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1 THIS IS CHANGING LEGISLATION THAT I THINK IS
2 IMPROVING AS WE GO ALONG. I THINK AS A LITTLE BIT
3 OF HISTORY, THE AUTHOR OF PROPOSED 117 INITIALLY
4 IS A NIMBY PIECE OF LEGISLATION, TARGETING ONE
5 FACILITY.

6 WORKING WITH THE INDUSTRY AND ALSO
7 WITH THE CEMENT AND ASPHALT MANUFACTURER, I THINK
8 THIS LEGISLATION HAS IMPROVED TO THE POINT WHERE
9 IT NOT ONLY IS ATTEMPTING TO HOLD THE BOARD'S FEET
10 TO THE FIRE IN TERMS OF DEVELOPING REGULATIONS FOR
11 C&D FACILITIES, IT ALSO OFFERS, I THINK, SOME
12 REGULATORY CLARITY AS TO DETERMINING WHO'S IN AND
13 WHO'S OUT AS THE BOARD GOES TO WRITE THE PERMIT --
14 TIERED REGULATIONS FOR C&D OPERATIONS.

15 MY WAY OF LOOKING AT IT IS IT'S AN
16 IMPROVEMENT. IT CONTINUES TO OFFER SOMETHING
17 POSITIVE. AND MORE THAN JUST ASKING THE BOARD TO
18 WRITE REGULATIONS, I THINK IT DEFINES SURFACE
19 MINING OPERATIONS THAT ARE UNDER THE SURFACE
20 MINING AND RECLAMATION ACT AS BEING EXEMPT, AND WE
21 THINK THAT'S PROBABLY APPROPRIATE. BUT WE SHARE
22 NORCAL'S CONCERN ABOUT EXACTLY HOW SENATE --
23 ASSEMBLY APPROPRIATIONS COMMITTEE HAS INTERPRETED
24 THAT ONE SECTION AND WILL CONTINUE TO WORK FOR
25 CLARITY IN THAT ARENA. BUT GENERALLY WE SUPPORT

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1 117. THANK YOU.

2 CHAIRMAN PENNINGTON: NEXT WE HAVE EVAN
3 EDGAR.

4 MR. EDGAR: GOOD MORNING, BOARD MEMBERS
5 AND CHAIRMAN. MY NAME IS EVAN EDGAR FROM THE
6 CRRC.

7 WE SUPPORT THE INTENT OF AB 117 WITH
8 THE SAME CONCERNS THAT NORCAL AND BFI EXPRESSED.
9 I THINK THAT C&D IS A PRIMARY FOCUS OF THE MARKET
10 DEVELOPMENT PLAN IN 1996. WHAT ORGANICS WAS TO
11 THE INDUSTRY OVER THE LAST THREE YEARS, I CAN SEE
12 C&D BE TO THE NEXT THREE YEARS AS WE NEAR THE YEAR
13 2000 TO GET TO THE 50-PERCENT GOAL. SO C&D IS
14 VERY IMPORTANT.

15 WE'VE BEEN MANAGING C&D FOR YEARS
16 OUT IN THE FIELD, AT LANDFILLS, AT MRF'S. WE HAVE
17 C&D OPERATIONS WRITTEN INTO OUR RDSI, RFI. SO
18 THIS IS NOTHING NEW TO THE SOLID WASTE INDUSTRY.
19 SO C&D MANAGEMENT IS SOMETHING WE ARE ENFORCED AND
20 INSPECTED ON EVERY MONTH.

21 WHAT AB 117 DELIVERS IS REGULATORY
22 EQUITY. AS ANYBODY OUT THERE HAS NEW AND EXCITING
23 PROJECTS AND DISASTERS OCCUR, I THINK WHAT THIS
24 BILL DOES IS THAT PEOPLE WHO DO DO C&D, LET'S HAVE
25 STATE MINIMUM STANDARDS, PROBABLY NOTIFICATION

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1 TIER. NOTHING TOO BIG, NOT A PERMIT.

2 SO I THINK IT SHOULD -- WHAT THIS
3 BILL SHOULD BE DOING IS TO PUT THE WASTE BOARD ON
4 A TIME SCHEDULE WITH REGARDS TO TIERED PERMITTING,
5 MAKE SURE YOU HOLD THEM TO THE TIME SCHEDULE OF
6 SLOTTING C&D INTO THE TIERED PERMIT SCHEDULE. IN
7 THE PAST WE HAD SOME SLIPPAGE ON SOME OTHER TYPES
8 OF FACILITIES. THIS BILL SHOULD MERELY PUT THE
9 C&D WITHIN THE SLOTTING TIME SCHEDULE. WE SUPPORT
10 THE BILL. THANK YOU.

11 CHAIRMAN PENNINGTON: THANK YOU. ANY
12 OTHER COMMENTS OR QUESTIONS ON THIS BILL?

13 BOARD MEMBER JONES: MR. CHAIRMAN.

14 CHAIRMAN PENNINGTON: YES, MR. JONES.

15 BOARD MEMBER JONES: I -- I LOVE IT WHEN
16 THESE THINGS COME TO US AND THEY'RE STILL IN THAT
17 SITUATION WHERE THEY'RE AMENDING IT CONSTANTLY AND
18 THEN THEY WANT US TO EITHER SUPPORT IT OR OPPOSE
19 IT OR TAKE A NEUTRAL POSITION. THAT'S JUST
20 WONDERFUL BECAUSE WE DON'T KNOW IF WHAT WE'RE
21 SUPPORTING IS GOING TO CHANGE AND MAKE IT
22 COMPLETELY DIFFERENT.

23 I'M GOING TO OFFER A MOTION TO
24 OPPOSE UNLESS AMENDED TO GIVE US THE OPPORTUNITY
25 TO SEE THOSE AMENDMENTS TO MAKE SURE BECAUSE I

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1 THINK THERE IS SOME DUPLICATION. WE'RE READY TO
2 GO INTO THE TIERED PERMITTING ON C&D. I THINK THE
3 TIMETABLE MATCHES, BUT I DO APPRECIATE THE IDEA
4 THAT WE DO NEED TO HAVE PERMIT EQUITY AND THOSE
5 THINGS, BUT I DON'T KNOW HOW THIS BILL IS GOING TO
6 COME OUT IN ITS FINAL FORM, AND I WOULD LIKE TO
7 PUT FORWARD A MOTION OF OPPOSE UNLESS AMENDED.

8 BOARD MEMBER FRAZEE: SECOND.

9 BOARD MEMBER GOTCH: MR. CHAIR, I'D LIKE
10 TO MAKE A SUBSTITUTE MOTION TO SUPPORT THIS BILL.
11 WE'VE HEARD THE INFORMATION AND FROM THE WASTE
12 INDUSTRY ALSO, AND IT'S BEEN AMENDED PER OUR
13 CONCERNS. SO I'D LIKE TO ASK FOR A SUPPORT
14 POSITION ON THIS BILL.

15 BOARD MEMBER CHESBRO: I WILL SECOND. I
16 HAVE A QUESTION. AT COMMITTEE WE HAD ASKED ABOUT
17 LANGUAGE, WHICH I GUESS IT WOULD BE IN THE
18 FINDINGS OR DECLARATIONS, BUT THAT ESSENTIALLY
19 MADE IT CLEAR THAT IT'S THE POLICY OF THE STATE TO
20 ENCOURAGE C&D RECYCLING, NOT TO DISCOURAGE IT.
21 THE PURPOSE OF THE BILL IS NOT TO DISCOURAGE IT.
22 IS THERE ANYTHING TO THAT EFFECT IN THE BILL? HAS
23 THAT BEEN ADEQUATELY COVERED?

24 MS. ZWARTS: MR. CHESBRO, YES, THERE IS
25 SOME INTENT LANGUAGE EXPRESSLY IN THE BILL STATING

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1 THAT IT'S THE BOARD AND OTHER STATE AGENCIES
2 EFFORTS TO CONTINUE TO PROMOTE RECYCLING OF C&D
3 DEBRIS AND EXPANSION OF MARKETS FOR THOSE RECYCLED
4 MATERIALS.

5 CHAIRMAN PENNINGTON: OKAY. WE HAVE A
6 SUBSTITUTE MOTION BEFORE US. WILL THE SECRETARY
7 CALL THE ROLL.

8 BOARD SECRETARY: BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: AYE.

10 BOARD SECRETARY: FRAZEE.

11 BOARD MEMBER FRAZEE: NO.

12 BOARD SECRETARY: GOTCH.

13 BOARD MEMBER GOTCH: AYE.

14 BOARD SECRETARY: JONES.

15 BOARD MEMBER JONES: NO.

16 BOARD SECRETARY: RELIS.

17 BOARD MEMBER RELIS: NO.

18 BOARD SECRETARY: CHAIRMAN PENNINGTON.

19 CHAIRMAN PENNINGTON: NO.

20 NOW WE'LL CALL THE ORIGINAL MOTION.

21 BOARD MEMBER RELIS: MR. CHAIR, BEFORE WE
22 VOTE, I'D JUST LIKE TO ADD PERSPECTIVE. SINCE
23 I'VE BEEN ON THIS BOARD, WE'VE HAD A NUMBER OF
24 BILLS COME BEFORE US THAT ARE LOCATION SPECIFIC
25 AROUND A PARTICULAR PROBLEM. AND I'VE CONSIS-

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1 TENTLY VOTED TO OPPOSE THOSE BILLS BECAUSE I THINK
2 THEY MAKE FOR IMPROPER REGULATION. AND I BELIEVE
3 REGULATION SHOULD BE CONDUCTED STATEWIDE.

4 THE BOARD DID ADJUST ITS TIMETABLE
5 TO SPEED UP THE C&D REVIEW, AND I FEEL THAT WE
6 HAVE A FIRM COMMITMENT TO DO THAT. THAT IS A
7 PRIORITY MATERIAL, AND WE HAVE THE REGULATORY
8 SYSTEM THROUGH THE TIERED SYSTEM WORKING THROUGH
9 ITS PROPER COURSE TO DEAL WITH THIS PROBLEM.

10 AND THE PROBLEM THAT IS IN QUESTION,
11 THAT IS THE CAUSE FOR THIS BILL, IS A LOCAL
12 FACILITY THAT REFLECTS BOTH A LAND USE PROBLEM AND
13 AN ENFORCEMENT PROBLEM, WHICH I THINK WE CAN
14 HANDLE WITH THE TOOLS WE'VE GOT.

15 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
16 COMMENTS?

17 BOARD MEMBER GOTCH: MR. CHAIR, QUESTION.
18 SO IF THIS BILL IS THEN AMENDED, I WOULD ASSUME,
19 THEN, THAT THIS WILL COME BACK TO THE BOARD.

20 CHAIRMAN PENNINGTON: THAT'S WHAT I WOULD
21 ASSUME.

22 BOARD MEMBER GOTCH: COME BACK TO THE
23 COMMITTEE. EXCUSE ME.

24 CHAIRMAN PENNINGTON: IF YOU WISH IT TO
25 DO THAT.

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1 MS. ZWARTS: ASK A POINT OF CLARIFICATION
2 BEFORE THE BOARD VOTES. IF THE MOTION IS OPPOSE
3 UNLESS AMENDED, WHAT IS THE AMENDMENT THAT THE
4 BOARD WOULD WISH?

5 BOARD MEMBER JONES: I NEED TO -- WHAT
6 I'M CONCERNED ABOUT IS THERE ARE THREE INDUSTRY
7 PEOPLE THAT ARE CONCERNED ABOUT AMENDMENTS AND
8 WHAT IS GOING ON HERE WITH THIS BILL. THERE ARE
9 THE LOCAL ISSUES THAT WE'RE DEALING WITH, BUT I
10 THINK THERE'S THE EQUITY ISSUES THAT THEY'RE
11 DEALING WITH. AND I WANT TO SEE THIS BILL IN A
12 FORM THAT IT CLOSER REFLECTS WHAT THE INDUSTRY'S
13 CONCERNS ARE IN THIS BILL TO MAKE SURE THAT WE
14 ARE, IN FACT, SUPPORTING SOMETHING THAT CAN BE
15 SUPPORTED AND NOT, YOU KNOW, SOMETHING THAT COULD
16 BE REWRITTEN INTO SOMETHING THAT ISN'T EVEN CLOSE
17 TO WHAT WE'RE LOOKING AT TODAY.

18 CHAIRMAN PENNINGTON: I THINK THE ANSWER
19 TO MRS. GOTCH'S QUESTION THAT IF SHE FEELS THAT
20 IT'S BEEN AMENDED APPROPRIATELY ENOUGH, THAT SHE
21 WANTS HER COMMITTEE TO LOOK AT, I THINK THAT'S
22 APPROPRIATE. IF SHE WANTS TO MOVE IT ON DIRECTLY
23 TO THE BOARD BECAUSE OF TIME RESTRAINTS, THAT'S
24 OKAY TOO. I THINK WE'RE FLEXIBLE TO DO WHAT WE
25 NEED TO. THE PROBLEM IS SOMETIMES THESE THINGS

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1 MOVE FAST; AND WITH OUR SCHEDULING AND PUBLIC
2 NOTICE PROBLEMS, IT'S DIFFICULT TO GO THROUGH THE
3 SYSTEM AGAIN. I HAVE NO PROBLEM WITH IT BEING
4 BROUGHT BACK TO US IF IT'S AMENDED.

5 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
6 SUPPORTED THE SUBSTITUTE MOTION AND AM GOING TO
7 OPPOSE THIS MOTION BECAUSE THE AUTHOR, ASSEMBLY-
8 WOMAN ESCUTIA, HAS SHOWN A GOOD FAITH INTEREST IN
9 THE BOARD'S AND THE INDUSTRIES' INPUT, AND I THINK
10 THAT WE'RE IN A BETTER POSITION TO HELP GUIDE THAT
11 AND INFLUENCE IT. OPPOSE UNLESS AMENDED IMPLIES
12 THAT WE'RE THEN WILLING TO REMOVE OUR OPPOSE, BUT
13 WE'RE NOT THERE WILLING TO WORK WITH HER AND
14 SUPPORT WHAT SHE'S TRYING TO ACCOMPLISH. SO I
15 THINK IT SENDS THE WRONG MESSAGE AND IT LESSENS
16 OUR LEVERAGE.

17 I THINK SHE'LL TURN TO THE INDUSTRY;
18 AND IF SHE CAN GET THEIR SUPPORT, THAT THE
19 GOVERNOR WILL SIGN THE BILL AS OPPOSED TO WHAT OUR
20 BOARD'S POSITION IS. I THINK WE'RE BETTER TRYING
21 TO BE POSITIVE WITH HER. SHE HAS SHOWN AN
22 INTEREST IN WHAT WE THINK, AND I THINK SUPPORT IF
23 AMENDED IS JUST GOING TO BE MUCH MORE LIKELY TO
24 GET THE OUTCOME THAT YOU'RE SEEKING HERE.

25 CHAIRMAN PENNINGTON: THANK YOU. ANY

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1 FURTHER COMMENTS? IF NOT, WILL THE SECRETARY CALL
2 THE ROLL.

3 BOARD SECRETARY: BOARD MEMBER CHESBRO.

4 BOARD MEMBER CHESBRO: NO.

5 BOARD SECRETARY: FRAZEE.

6 BOARD MEMBER FRAZEE: AYE.

7 BOARD SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: NO.

9 BOARD SECRETARY: JONES.

10 BOARD MEMBER JONES: AYE.

11 BOARD SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 BOARD SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION

15 CARRIES.

16 WE'LL MOVE NOW TO SB 436.

17 MS. ZWARTS: SB 436 BY SENATOR SHER.

18 THIS BILL WOULD REQUIRE THE BOARD, IN CONSULTATION
19 WITH DOC, TO PREPARE AND SUBMIT A REPORT THAT
20 IDENTIFIES DUPLICATION AND OVERLAP BETWEEN THE
21 VARIOUS PROGRAMS BY THESE TWO AGENCIES. THIS BILL
22 PASSED SENATE APPROPRIATIONS ON MONDAY, IS NOW ON
23 THE SENATE FLOOR ON CONSENT.

24 THIS BILL WAS -- DOES NOT HAVE A
25 RECOMMENDATION FROM THE LPEC COMMITTEE. AND
IT

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1 DOES HAVE A FISCAL OF \$50,000 OVER A ONE-YEAR
2 PERIOD. IT'S AN URGENCY MEASURE, AND I'M
3 AVAILABLE TO ANSWER QUESTIONS ON THE BILL.

4 CHAIRMAN PENNINGTON: QUESTIONS? MS.
5 GOTCH.

6 BOARD MEMBER GOTCH: QUESTION, MR. CHAIR.
7 AM I CORRECT THAT ALL OF OUR MOU'S WITH DEPARTMENT
8 OF -- EXCUSE ME -- WITH DOC ARE EXPIRED? I
9 BELIEVE THEY'RE ALL EXPIRED IF I'M CORRECT.

10 MS. ZWARTS: I DON'T BELIEVE SO.

11 MR. CHANDLER: YES, THAT'S ACTUALLY
12 CORRECT, MS. GOTCH. THE WORK PRODUCTS THAT WERE
13 OUTLINED HAVE BEEN COMPLETED, AND THE AGREEMENTS
14 THEMSELVES EXPIRED, I BELIEVE, JANUARY 1 OF 1997.

15 BOARD MEMBER GOTCH: THANK YOU.

16 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
17 SUPPORTED THIS LEGISLATION IN THE PAST AND I'LL
18 SUPPORT IT AGAIN TODAY. I'LL MOVE THAT WE SUPPORT
19 SB 436.

20 BOARD MEMBER GOTCH: AND I'LL SECOND.

21 CHAIRMAN PENNINGTON:

OKAY. FURTHER

22 DISCUSSION? IF NOT, WILL THE
SECRETARY CALL THE

23 ROLL.

24 BOARD SECRETARY: BOARD

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MEMBER CHESBRO .

25

BOARD MEMBER CHESBRO :

AYE .

1 BOARD SECRETARY: FRAZEE.
2 BOARD MEMBER FRAZEE: NO.
3 BOARD SECRETARY: GOTCH.
4 BOARD MEMBER GOTCH: AYE.
5 BOARD SECRETARY: JONES.
6 BOARD MEMBER JONES: NO.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: NO.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: NO. THE MOTION
11 FAILS. DO I HEAR ANOTHER MOTION?
12 BOARD MEMBER FRAZEE: I'LL MOVE WE
13 OPPOSE.
14 CHAIRMAN PENNINGTON: SECOND IT.
15 SECRETARY CALL THE ROLL IF THERE'S NO DISCUSSION.
16 BOARD MEMBER CHESBRO: WELL, I GUESS I'M
17 A LITTLE BAFFLED THAT WE WOULD SUGGEST AN OPPOSE
18 POSITION TO SOMETHING THAT TRIES TO FURTHER THE
19 COORDINATION OF TWO RECYCLING PROGRAMS IN THIS
20 STATE. I'M NOT CLEAR WHAT THE PROBLEM WAS WITH
21 THE CONCEPT.
22 CHAIRMAN PENNINGTON: ONE IS THE FISCAL
23 IMPACT TO THE BOARD.
24 IF THERE'S NO FURTHER DISCUSSION,
25 WILL THE SECRETARY CALL THE ROLL.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.
2 BOARD MEMBER CHESBRO: NO.
3 BOARD SECRETARY: FRAZEE.
4 BOARD MEMBER FRAZEE: AYE.
5 BOARD SECRETARY: GOTCH.
6 BOARD MEMBER GOTCH: NO.
7 BOARD SECRETARY: JONES.
8 BOARD MEMBER JONES: AYE.
9 BOARD SECRETARY: RELIS.
10 BOARD MEMBER RELIS: AYE.
11 BOARD SECRETARY: CHAIRMAN PENNINGTON.
12 CHAIRMAN PENNINGTON: AYE. MOTION
13 CARRIES.
14 WE'LL MOVE TO SB 698.
15 MS. ZWARTS: SB 698 BY SENATOR RAINEY.
16 THIS BILL IS SPONSORED BY FIRST BRANDS
17 INCORPORATED. THE BILL WOULD CHANGE HOW THE BOARD
18 CALCULATES ITS FORMULAS FOR COMPLIANCE FOR THE
19 PLASTIC TRASH BAG PROGRAM. IT'S A NEW WAY OF
20 CALCULATING IT. IT PLACES A THREE-YEAR SUNSET ON
21 THIS NEW METHOD OF CALCULATION AND MAKES SOME
22 OTHER CHANGES IN THE RECYCLED TRASH BAG LAW.
23 THIS BILL IS PRESENTLY ON THE
SENATE
24 FLOOR, AND IT DOES HAVE A FISCAL OF \$25,000
SPREAD

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25 OUT OVER TWO YEARS. THIS PARTICULAR VERSION OF

1 THE BILL WAS NOT CONSIDERED BY THE LPEC AND
2 THERE'S NO RECOMMENDATION. I'D BE AVAILABLE FOR
3 QUESTIONS.

4 CHAIRMAN PENNINGTON: QUESTIONS ON THIS?

5 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

6 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

7 BOARD MEMBER CHESBRO: I'M OPPOSED
8 BECAUSE I THINK WE OUGHT TO BE STRENGTHENING
9 RECYCLED-CONTENT REQUIREMENTS, NOT WEAKENING THEM,
10 BUT I HOPE THAT THE FISCAL IMPACT WILL CAUSE THE
11 BOARD MEMBERS TO BE CONSISTENT IN THEIR
12 OPPOSITION.

13 CHAIRMAN PENNINGTON: TOUCHE.

14 BOARD MEMBER CHESBRO: I'LL MOVE OPPOSE.

15 BOARD MEMBER GOTCH: I'LL SECOND.

16 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
17 SECONDED. ANY FURTHER DISCUSSION?

18 BOARD MEMBER GOTCH: ANY SPEAKERS ON
19 THIS?

20 CHAIRMAN PENNINGTON: NO. IT'S BEEN
21 MOVED AND SECONDED. NO FURTHER DISCUSSION,
22 SECRETARY CALL THE ROLL.

23 BOARD SECRETARY: BOARD MEMBER CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 BOARD SECRETARY: FRAZEE.

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1 BOARD MEMBER FRAZEE: NO.
2 BOARD SECRETARY: GOTCH.
3 BOARD MEMBER GOTCH: AYE.
4 BOARD SECRETARY: JONES.
5 BOARD MEMBER JONES: NO.
6 BOARD SECRETARY: RELIS.
7 BOARD MEMBER RELIS: NO.
8 BOARD SECRETARY: CHAIRMAN PENNINGTON.
9 CHAIRMAN PENNINGTON: NO. MOTION FAILS.
10 DO I HEAR ANOTHER MOTION?
11 BOARD MEMBER JONES: I'LL MAKE A MOTION,
12 MR. CHAIRMAN, THAT WE JUST REMAIN NEUTRAL ON THIS
13 BILL. LET THIS BILL GO FORWARD WITH A NEUTRAL.
14 BOARD MEMBER FRAZEE: I'LL SECOND THAT.
15 CHAIRMAN PENNINGTON: ANY FURTHER
16 DISCUSSION? BEEN MOVED AND SECONDED TO TAKE A
17 NEUTRAL POSITION. SECRETARY CALL THE ROLL.
18 BOARD SECRETARY: BOARD MEMBER CHESBRO.
19 BOARD MEMBER CHESBRO: NO.
20 BOARD SECRETARY: FRAZEE.
21 BOARD MEMBER FRAZEE:
22 AYE.
23 BOARD SECRETARY: GOTCH.
24 BOARD MEMBER GOTCH: NO.
25 BOARD SECRETARY: JONES.
BOARD MEMBER JONES: AYE.

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1 BOARD SECRETARY: RELIS.

2 BOARD MEMBER RELIS: AYE.

3 BOARD SECRETARY: CHAIRMAN PENNINGTON.

4 CHAIRMAN PENNINGTON: AYE. MOTION

5 CARRIES.

6 MOVE TO SB 1179.

7 MS. ZWARTS: SB 1179 BY SENATOR POLANCO.

8 THIS BILL IS SPONSORED BY BROWNING-FERRIS
9 INDUSTRIES. THIS BILL WOULD PROHIBIT LOCAL
10 GOVERNMENTS UNDER CERTAIN PROVISIONS FROM ADOPTING
11 INDEMNIFICATION STATEMENTS AS PART OF THEIR
12 CONTRACT PROCESS.

13 THIS BILL PASSED SENATE APPROPRI-
14 ATIONS AGAIN THIS PAST MONDAY, IS NOW ON THE
15 SENATE FLOOR -- ACTUALLY PASSED THE SENATE
16 FLOOR -- MY APOLOGIES -- JUST RECENTLY ALSO.

17 THIS BILL WAS REVIEWED BY THE
18 COMMITTEE, AND THE RECOMMENDATION WAS NEUTRAL AND
19 TO WORK WITH THE AUTHOR ON SOME MINOR AMENDMENTS
20 TO THE BILL. I'D BE HAPPY TO ANSWER ANY
21 QUESTIONS.

22 CHAIRMAN PENNINGTON: QUESTIONS OF MS.
23 ZWARTS?

24 BOARD MEMBER JONES: MR. CHAIRMAN.

25 CHAIRMAN PENNINGTON: YEAH. WE HAVE SOME

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1 PEOPLE IN THE AUDIENCE. DENISE DELMATIER.

2 MS. DELMATIER: CHAIRMAN PENNINGTON,
3 WOULD IT BE OKAY IF I DEFER TO THE SPONSOR TO OPEN
4 ON THIS BILL?

5 CHAIRMAN PENNINGTON: SURE.

6 MS. DELMATIER: THANK YOU.

7 MR. LEARY: THANK YOU, MEMBERS OF THE
8 BOARD. MY NAME IS MARK LEARY OF BROWNING-FERRIS
9 INDUSTRIES. WE ARE THE SPONSOR. AND THANK YOU,
10 DENISE, FOR DEFERRING ALTHOUGH THAT WASN'T
11 APPROPRIATE. SHE PROBABLY KNOWS THE BILL BETTER
12 THAN I DO.

13 1179 IS AN ATTEMPT AT ESTABLISHING
14 EQUITY IN RELATION TO INDEMNIFICATION OF LIABILITY
15 FOR 939 DIVERSION PENALTIES. WE AS THE SPONSOR
16 AND THE INDUSTRY AS A WHOLE IS LOOKING TO LEVEL
17 THE PLAYING FIELD BETWEEN -- IN OUR RELATIONSHIP
18 WITH LOCAL HAULERS IN RELATION TO FULFILLING THE
19 MANDATES OF AB 939.

20 IT'S NOT A PROHIBITION ON INDEMNIFI-
21 CATIONS I THINK AS HAS BEEN REPRESENTED BY THE
22 OPPONENTS. I THINK IT'S JUST SIMPLY A TAILORING
23 ON THE INDEMNIFICATION FOR LIABILITIES. WE'RE
24 LOOKING SIMPLY TO APPORTION LIABILITY EQUALLY AND
25 IN RELATION TO THE AMOUNT OF RESPONSIBILITY FOR

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1 FILLING THE 939 MANDATES. WE DON'T LOOK TO
2 PROHIBIT INDEMNIFICATION IN ANY WAY, SHAPE, OR
3 FORM AND ASK FOR YOUR SUPPORT OF 1179. THANK YOU
4 VERY MUCH.

5 CHAIRMAN PENNINGTON: DENISE.

6 MS. DELMATIER: THANK YOU. MR. CHAIRMAN,
7 MEMBERS OF THE BOARD, DENISE DELMATIER WITH THE
8 GUALCO GROUP ON BEHALF OF NORCAL WASTE SYSTEMS.
9 WE ARE ALSO ARE IN SUPPORT OF THE BILL. AND WHILE
10 WE HAVEN'T BEEN THE RECIPIENT OF PROTRACTED
11 NEGOTIATIONS WHICH WOULD REQUIRE INDEMNIFICATION
12 OF THE LIABILITIES UNDER AB 939, WE HAVE
13 RECOGNIZED THAT THERE ARE A NUMBER OF CITIES AND
14 COUNTIES WHO HAVE, IN FACT, AS A PART OF THEIR
15 NEGOTIATION REQUIRED SUCH INDEMNIFICATION CLAUSES
16 IN THEIR CONTRACTS.

17 NOW, WHEN WE NEGOTIATED AB 939, THE
18 PRIVATE INDUSTRY CERTAINLY DISCUSSED WITH LOCAL
19 GOVERNMENT WHETHER OR NOT PRIVATE INDUSTRY SHOULD
20 BE IN A POSITION TO BE AT THE RECEIVING END OF ANY
21 SUCH LIABILITIES FOR FAILURE TO MEET THE DIVERSION
22 GOALS. IT WAS, QUITE FRANKLY, REJECTED BY THE
23 AUTHOR AND PRIVATE INDUSTRY, ALONG WITH LOCAL
24 GOVERNMENT, THAT BECAUSE LOCAL GOVERNMENT IS IN
25 THE POSITION TO MAKE THE POLICY DECISIONS

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1 REGARDING THE WASTESTREAMS, THAT, IN FACT, LOCAL
2 GOVERNMENT, CITIES AND COUNTIES, ARE IN THE ONLY
3 POSITION, THEN, TO ASSUME BOTH CONTROL AND
4 RESPONSIBILITY; I.E., LIABILITY FOR EITHER MEETING
5 OR FAILING TO MEET THE DIVERSION GOALS.

6 PRIVATE INDUSTRY, NEEDLESS TO SAY,
7 IS IN A VERY OPPORTUNE POSITION TO ASSIST CITIES
8 AND COUNTIES IN MEETING THE DIVERSION GOALS, BUT,
9 AGAIN, THEY ARE NOT THE ONES THAT MAKE THE POLICY
10 DECISIONS.

11 WHEN THOSE POLICY DECISIONS ARE
12 MADE, IT IS THE CITY OR COUNTY WHO DECIDES WHICH
13 PROJECTS, WHO DOES THE PROJECT, AND UNDER WHAT
14 CONDITIONS THOSE PROJECTS GO FORWARD. FOR
15 EXAMPLE, IF A PRIVATE INDUSTRY CONTRACTOR GOES TO
16 A CITY AND COUNTY AND BIDS ON A WARD, A CONTRACT,
17 TO HAUL GARBAGE, AND THAT IS THE PROVISION AND THE
18 LIMITATIONS OF THAT CONTRACT, TO HAUL GARBAGE FOR
19 PURPOSES OF DISPOSAL, IS IT FAIR, THEN, TO REQUIRE
20 THAT SAME PERMITTEE, LICENSEE, OR CONTRACTOR TO
21 ALSO BE RESPONSIBLE FOR THE CITY'S POLICY
22 DECISIONS THAT PROHIBIT OR PREVENT THAT CITY OR
23 COUNTY FROM MEETING THE DIVERSION GOALS?

24 OBVIOUSLY PRIVATE INDUSTRY BELIEVES
25 THAT THAT'S AN UNFAIR NEGOTIATING TOOL THAT THE

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1 CITY OR COUNTY, IF THEY CHOOSE TO DO SO, HOLDS IN
2 THEIR POCKET. AND, AGAIN, UNDER 939 IT IS ONLY
3 CITIES AND COUNTIES WHO ARE ASSESSED DIRECTLY FOR
4 FAILURE TO MEET THE DIVERSION GOALS.

5 WE ARE AWARE OF APPROXIMATELY 30 OR
6 SO CITIES OR COUNTIES WHO HAVE, IN FACT, INCLUDED
7 THESE PROVISIONS IN THEIR CONTRACTS. NOT ALL
8 CITIES HAVE DONE SO. THE MAJORITY HAVE NOT, AND
9 THE MAJORITY, AS WE WELL KNOW, ARE ON THEIR WAY TO
10 MEET SATISFACTORILY THE DIVERSION GOALS AND HAVE
11 BEEN OPERATING IN GOOD FAITH.

12 AS A RESULT OF THAT, I SHOULD MAKE
13 NOTE THAT NORCAL, IN PARTICULAR, AND I THINK WE'RE
14 THE ONLY WASTE INDUSTRY MEMBER THAT IS DOING SO,
15 IS SUPPORTING THE LEAGUE SPONSORED BILL SB 1066,
16 WHICH WOULD PROVIDE FLEXIBILITY, AS MR. SHER HAS
17 PUT FORWARD, PROVIDE FLEXIBILITY FOR CITIES AND
18 COUNTIES TO DEMONSTRATE GOOD FAITH EFFORT.

19 WE BELIEVE THAT BOTH BILLS IN
20 COMBINATION PRESENT A NICE PACKAGE THAT IS -- THAT
21 PROVIDES FLEXIBILITY BOTH FOR CITIES AND COUNTIES
22 AS WELL AS PRIVATE INDUSTRY AND PROVIDE A FAIR AND
23 EQUITABLE SOLUTION AS WE GET CLOSER TO THE 2000
24 DEADLINE. I'D BE HAPPY TO ANSWER ANY QUESTIONS.

25 CHAIRMAN PENNINGTON: ANY QUESTIONS? IF

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1 NOT, THANK YOU. NOW WE'LL HEAR FROM EVAN EDGAR.

2 MR. EDGAR: CHAIRMAN, BOARD MEMBERS. MY
3 NAME IS EVAN EDGAR, MANAGER OF REGULATORY AFFAIRS
4 FOR THE CALIFORNIA REFUSE REMOVAL COUNCIL. WE ARE
5 SUPPORTING SB 1179 FOR MANY OF THE REASONS THAT
6 BFI AND NORCAL STATED, SO WE URGE YOUR AYE
7 SUPPORT. THANK YOU.

8 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
9 MR. EDGAR? IF NOT --

10 BOARD MEMBER JONES: MR. CHAIRMAN, I HAVE
11 A COUPLE OF COMMENTS AND THEN A MOTION TO MAKE.

12 CHAIRMAN PENNINGTON: MR. JONES, GO
13 AHEAD.

14 BOARD MEMBER JONES: I'VE BEEN LOOKING AT
15 THIS BILL FOR QUITE A WHILE. AND I'M A LITTLE --
16 I COMPLETELY SUPPORT THE IDEA BEHIND THIS BILL.
17 I'M A LITTLE CONCERNED THOUGH WITH SOME OF THE --
18 AND THERE'S NOBODY HERE FROM THE LEAGUE
19 UNFORTUNATELY TO SPEAK ON THIS ISSUE, AND I WAS
20 HOPING THAT THERE WOULD BE BECAUSE WHEN I -- WHEN
21 THIS THING FIRST CAME TO ME, MY FIRST INCLINATION
22 WAS NOT SO MUCH THE FRANCHISE ISSUES VERSUS THE
23 PERMIT ISSUES AS IT WAS A HEALTH AND SAFETY ISSUE.

24 THE HEALTH AND SAFETY ISSUE BEING
25 THAT IF, IN FACT, THIS BOARD IN A CITY OR A COUNTY

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1 THAT DOES NOT FULFILL THE MANDATES OF AB 939
2 IMPOSES -- IMPOSES THE PENALTIES THAT ARE PART OF
3 THE LAW, IF THAT CITY HAS THREE OR FOUR HAULERS IN
4 IT AND THEY'VE ALL SIGNED INDEMNIFICATION TO
5 INDEMNIFY THAT CITY, AND THEY'RE VERY, VERY CLOSE
6 TO BEING WITHIN THEIR GOAL OF 25 PERCENT OR 50
7 PERCENT, DEPENDING UPON THAT YEAR, WHAT BOTHERS ME
8 IS IT BECOMES AN ISSUE THEN OF IS IT WORTH PICKING
9 UP THIS CUSTOMER? IS IT WORTH GOING INTO A
10 RESTAURANT OR GOING INTO SOME KIND OF A FACILITY
11 WHERE THE CHANCES OF RECOVERING ANYTHING ARE SO
12 MINIMAL THAT IT MAY END UP PUSHING YOU INTO A
13 POSITION AS A HAULER THAT YOU ARE GOING TO BE
14 LIABLE FOR FINES.

15 IT'S FARFETCHED OR IT'S A STRETCH,
16 BUT IT'S NOT REALLY A STRETCH BECAUSE THEN WHAT
17 HAPPENS TO THOSE RESTAURANTS OR THOSE BUSINESSES
18 THAT THERE IS NO VALUE, PRETTY SOON THE HAULER

WHO

19 HAS GOT A RESPONSIBILITY TO PICK UP THE CLIENTS
20 WITHIN HIS JURISDICTION IN AN OPEN COMPETITION,
21 PRETTY SOON THAT POTENTIAL CUSTOMER ISN'T GOING

TO

22 GET SERVICED BECAUSE IT'S NOT WORTH IT OR IT MAY
23 NOT BE WORTH IT TO INCUR THAT KIND OF TONNAGE TO
24 CHANGE THE NUMBER.

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25

BUT THE LEAGUE'S OPPOSITION TO THIS

IS IN REGARDS TO THIS BILL TAKES AWAY THEIR RIGHT TO DO FRANCHISES AND TO DO PERMITS. AND I DON'T SEE IT AS THAT. AND I WISH THAT DISCUSSIONS OR THAT SOMEBODY FROM THE LEAGUE WAS HERE BECAUSE I THINK IT'S IMPORTANT THAT THE LEAGUE OR ALL OF THE CONCERNED STAKEHOLDERS UNDERSTAND THAT THERE ARE SOME HEALTH AND SAFETY ISSUES INVOLVED HERE. AND I THINK IT'S IMPORTANT THAT CITIES AND COUNTIES WORK WITH PRIVATE COMPANIES TO FACILITATE WHAT IT'S GOING TO TAKE FOR US TO MEET THESE GOALS.

BECAUSE OF THE FACT THAT THOSE THAT ARE OPPOSED AND THOSE THAT ARE -- THERE'S SUCH A SPLIT, I'M JUST NOT SURE THAT THE INFORMATION HAS BEEN CLEARLY DEMONSTRATED TO THE LEAGUE OR TO SWANA OR TO CSAC INTO WHAT SOME OF THE HEALTH AND SAFETY ISSUES ARE AND HOW THEY CAN BE DEALT WITH IN THIS BILL.

FOR THAT REASON, I'M GOING TO MAKE A MOTION THAT THIS BOARD STAY NEUTRAL BECAUSE I THINK THAT IT IS IMPORTANT THAT BOTH SIDES UNDERSTAND THAT THERE IS POSITIVES TO THIS TYPE OF LEGISLATION, BUT THEY NEED TO KNOW THAT, NOT GUESS IT OR WHATEVER. SO I WOULD -- MY MOTION IS THAT THIS BOARD STAY NEUTRAL ON THIS BILL.

BOARD MEMBER CHESBRO: I'LL SECOND IT.

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1 MR. CHAIRMAN, I HAVE SOME COMMENTS.

2 CHAIRMAN PENNINGTON: OKAY. MR. CHESBRO
3 SECONDS AND HAS SOME COMMENTS.

4 BOARD MEMBER CHESBRO: I'M SYMPATHETIC TO
5 THE ARGUMENT THAT THE WASTE INDUSTRY FOLKS PUT
6 FORWARD THAT SAYS THERE'S A POSSIBILITY OF
7 DISPROPORTIONATE LIABILITY. I THINK THAT'S A REAL
8 ISSUE. ON THE OTHER HAND, I SPENT 17 YEARS IN
9 LOCAL GOVERNMENT, AND I'D BE TURNING MY BACK ON
10 HAVING FOUGHT FOR THE PREROGATIVE FOR CITIES AND
11 COUNTIES TO CONTRACT INDEPENDENTLY WITHOUT A HIGH
12 DEGREE OF INTERFERENCE BY THE STATE. AND I
13 CONTINUE TO FEEL PRETTY STRONGLY ABOUT THAT.

14 BUT MY REAL ISSUE WITH THIS BILL IS
15 THAT I THINK IT'S GOING TO GET US IN BETWEEN THE
16 PARTIES BECAUSE IT HAS A PROVISION IN IT, AND I
17 THINK IT'S STILL IN THERE, ALTHOUGH THE COMMITTEE
18 DID ASK STAFF TO WORK WITH THE AUTHOR ON TRYING TO
19 MODIFY OR REMOVE THIS PROVISION, WHICH SAYS THAT
20 BEFORE LOCAL JURISDICTION CAN EXERCISE ITS
21 PREROGATIVE TO ENFORCE A PROVISION FOR
22 INDEMNIFICATION, THEY HAVE TO APPLY FOR A
23 REDUCTION IN REQUIREMENTS, WHICH WHAT'S GOING TO
24 WIND UP HAPPENING IS WE'RE GOING TO BE SITTING
25 HERE IN THIS ROOM LISTENING TO THE HAULER AND THE

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1 JURISDICTION SQUABBLE AND POINT AT EACH OTHER
2 ABOUT WHO DID WHAT TO WHOM AND WHO DIDN'T FULFILL
3 THEIR RESPONSIBILITY, ETC. NOT ONLY IS THE
4 LEGISLATURE GETTING BETWEEN THE HAULERS AND LOCAL
5 GOVERNMENTS, THIS BOARD'S GOING TO BE PLACED IN A
6 POSITION OF DOING THAT.

7 I ALSO THINK IT'S THE WRONG REASON
8 FOR LOCAL JURISDICTIONS TO APPLY FOR A REDUCTION.
9 IT HAS NOTHING TO DO WITH THE ORIGINAL STATUTORY
10 INTENT THAT THE LEGISLATURE SET FORWARD ABOUT WHY
11 REQUIREMENTS WERE NEEDED. IT SHOULD HAVE NOTHING
12 TO DO WITH INDEMNIFICATION AGREEMENTS. THAT'S A
13 CONTRACTUAL ISSUE, NOT AN ISSUE WHETHER A GOOD
14 FAITH EFFORT HAS BEEN MADE OR WHETHER THERE'S
15 OBSTACLES TO ACHIEVING 50 PERCENT IN THAT
16 JURISDICTION, THE OTHER ISSUES THAT WE'RE SUPPOSED
17 TO BE DEALING WITH.

18 SO I DO THINK A NEUTRAL POSITION IS
19 APPROPRIATE. I WOULD HOPE THAT EITHER IN THE
20 MOTION OR JUST AS A GENERAL SENSE OF THE BOARD, WE
21 WOULD ASK STAFF TO CONTINUE TO WORK WITH THE
22 AUTHOR TO TRY TO MODIFY OR REMOVE THAT PROVISION
23 FROM THE BILL.

24 CHAIRMAN PENNINGTON: OKAY. FINE. I
25 HAVE NO OBJECTION TO STAFF CONTINUING TO WORK

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1 WITH. I THINK THAT WOULD BE THE BOARD SENSE.

2 OKAY.

3 IT'S BEEN MOVED AND SECONDED. ANY
4 FURTHER DISCUSSION? IF NOT, WILL THE SECRETARY
5 CALL THE ROLL.

6 BOARD SECRETARY: BOARD MEMBER CHESBRO.

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: FRAZEE.

9 BOARD MEMBER FRAZEE: AYE.

10 BOARD SECRETARY: GOTCH.

11 BOARD MEMBER GOTCH: AYE.

12 BOARD SECRETARY: JONES.

13 BOARD MEMBER JONES: AYE.

14 BOARD SECRETARY: RELIS.

15 BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN PENNINGTON.

17 CHAIRMAN PENNINGTON: AYE. MOTION

18 CARRIES.

19 ONE OTHER ITEM ON HERE THAT I'D LIKE
20 TO ASK THE BOARD'S SENSE ON. SB 675 WAS -- WE
21 APPROVED IT ON THE CONSENT CALENDAR. IT'S MY
22 ERROR NOT TO ASK BEFORE THAT, BUT I UNDERSTAND
23 THAT BOTH THE LEA'S AND THE HEALTH DIRECTORS
24 OPPOSED THIS BILL. I WONDERED IF WE WANTED TO
25 EITHER ASK THE COMMITTEE TO RECONSIDER IT OR IF

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1 ANYBODY HAD ANY SENSE THAT HERE WE'RE SUPPORTING
2 AND THEY'RE -- BOTH THE HEALTH DIRECTORS AND THE
3 LEA'S ARE OPPOSED TO IT.

4 BOARD MEMBER RELIS: MR. CHAIR, I'D HEARD
5 THAT, BUT I HAVEN'T RECEIVED ANY DIRECT
6 COMMUNICATION. SO ARE THEY HERE?

7 MS. ZWARTS: THEY WERE UNAVAILABLE TO
8 ATTEND TODAY. IT IS MY UNDERSTANDING THEY ARE IN
9 OPPOSITION. I HAVE NOT SEEN A LETTER AS YET, BUT
10 IT IS MY UNDERSTANDING THEY DO OPPOSE THE BILL.

11 MR. CHANDLER: I COULD SPEAK A LITTLE BIT
12 TO THIS, AND I MIGHT ASK IF DOROTHY WOULDN'T MIND
13 COMING TO THE DAIS BECAUSE SHE AND I BOTH WERE IN
14 THE ENVIRONMENTAL HEALTH DIRECTORS' MEETING WHEN
15 JUSTIN MALAN, THEIR REPRESENTATIVE FOR CCDEH,
16 BROUGHT FORWARD THE BILL. AND THERE WAS, LET'S
17 JUST SAY, A ROBUST DISCUSSION AROUND WHETHER THEY
18 SHOULD SUPPORT IT OR NOT.

19 I THINK JUSTIN IS TRYING TO
20 ENCOURAGE THEM TO STEP UP TO THE PLATE AS LEA'S
21 AND TAKE THE RESPONSIBILITY ON AND CONSIDER
22 SUPPORTING THE BILL, BUT THE LEA'S CLEARLY, DON
23 KOEPP AND OTHERS, FELT THAT DEALING WITH ODOR
24 ISSUES IS VERY DIFFICULT. THEY DIDN'T SEE IT AS
A
25 TRUE HEALTH AND SAFETY ISSUE, BUT MORE OF A

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1 NUISANCE ISSUE AND THAT THE EXPERTISE WAS REALLY
2 HISTORICALLY MORE APPROPRIATE -- HELP ME OUT,
3 DOROTHY, IF YOU HEARD IT DIFFERENTLY -- BUT MORE
4 APPROPRIATE WITH THE AIR POLLUTION CONTROL
5 OFFICERS WHO HAVE GOT YEARS OF EXPERIENCE.

6 THEY FRANKLY DIDN'T LIKE BEING PUT
7 IN THE MIDDLE OF THESE COMMUNITY DISPUTES WHERE,
8 AS THEY PUT IT, FIVE PEOPLE SITTING AROUND A POOL
9 CAN GET OUT THEIR CELL PHONES AND MAKE THE FIVE
10 CALLS, AND THE NEXT THING YOU KNOW YOU'VE GOT THE
11 FIVE CALLS NEEDED TO REQUIRE THAT THAT LEA SHOW UP
12 WITHIN 24 HOURS AND ADDRESS THE ODOR ISSUE. AND
13 THEY JUST FELT LIKE THEY WERE PUT IN A VERY
14 DIFFICULT POSITION, FRANKLY WANTED TO GET OUT OF
15 IT.

16 I MADE THE POINT, DOROTHY MADE THE
17 POINT THAT YOU ARE AS LEA'S THE ONES BRINGING
18 THESE PERMITS FORWARD, SO WOULDN'T IT BE IN YOUR
19 INTEREST TO TRY TO FIND WAYS TO GET THESE
20 FACILITIES TO BE IN COMPLIANCE IF THEY HAVE AN
21 ODOR PROBLEM AND ADDRESS THE TECHNICAL PROBLEMS
22 MAYBE AT THE SITE THAT IS CREATING THE ODOR
23 PROBLEM AS OPPOSED TO STRICTLY THE HARD HAMMER OF
24 ENFORCEMENT; IN OTHER WORDS, GET THEM INTO
25 COMPLIANCE.

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1 BUT THEY WEREN'T IMPRESSED. THEY
2 DIDN'T SEEM TO BE ENCOURAGED, AND THE POSITION WAS
3 WE WOULD LIKE OUT OF THIS SITUATION. AND SO, MR.
4 CHAIRMAN, THAT'S THE BEST I CAN DO IN JUSTIN'S
5 ABSENCE THAT THE LEA'S OFFER FOR WHY THEY WANT TO,
6 IF YOU WILL, STEP AWAY FROM THE PLATE. DOROTHY,
7 DO YOU HAVE --

8 MS. RICE: THAT SOUNDS LIKE A FAIRLY GOOD
9 DESCRIPTION. AND I THINK IT'S ALSO MAYBE
10 IMPORTANT TO POINT OUT THAT THEY WEREN'T SAYING
11 THAT THEY WON'T BE INVOLVED WITH ODOR ISSUES AT
12 COMPOST FACILITIES BECAUSE I THINK UNDER THE
13 STANDARDS FOR THOSE FACILITIES THEY ARE AS A
14 COMPOST FACILITY OR OPERATION. THEY JUST DIDN'T
15 WANT TO BE REPLACING THE HISTORICAL ROLE OF THE
16 AIR DISTRICTS.

17 BUT IF THERE IS AN OPERATIONAL
18 PROBLEM THAT IS RESULTING IN ODORS AT THE
19 FACILITY, CLEARLY THAT WOULD REMAIN WITHIN THEIR
20 JURISDICTION. IT IS SIMPLY THE RESPONSE TO ODOR
21 COMPLAINTS AND THE TRADITIONAL ROLE OF THE AIR
22 DISTRICTS IN THAT. SO IN A SENSE I THINK THEY
23 WERE SAYING THE PRIOR TO AB 59 DUAL SYSTEM IS ONE
24 THAT THEY PREFERRED.

25 BOARD MEMBER RELIS: MR. CHAIR, ONE OF MY

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1 CONCERNS WITH WHAT I'M HEARING IS THAT ODOR IS THE
2 PRIMARY ISSUE THAT HAS BEEN RAISED AROUND COMPOST
3 FACILITIES IN MANY CASES. AND IT'S A LITTLE
4 DISCOURAGING TO ME TO THINK THAT THE LEA'S -- WE
5 NEED A SINGLE PLACE, IF YOU WILL, TO DEAL WITH THE
6 PERMITTING AND OPERATIONAL PROBLEMS AROUND THESE
7 COMPOST FACILITIES.

8 AND I REALIZE IT'S A TOUGH POSITION
9 THAT THEY'RE IN, BUT THEY HAVE A TOUGH JOB. WE
10 ARE GIVING THEM THE TRAINING TOOLS. WE'VE HAD
11 NUMEROUS WORKSHOPS. WE'VE HAD CONSIDERABLE
12 RESOURCES IN THE AIR ODOR ISSUE. SO I THINK WE'RE
13 DOING OUR PART. WE'RE DOING ALL WE CAN TO BACK
14 THEM UP WITH THE TOOLS THAT WE NEED, AND I WOULD
15 JUST HOPE THAT THESE RUMORS, AT LEAST AT THIS
16 POINT, OR DISCUSSIONS DON'T END UP IN OPPOSITION
17 TO THIS BECAUSE I THINK THAT WE HAVE IT RIGHT FOR
18 THIS PERIOD OF TIME. FOUR YEARS IS THE WINDOW, I
19 THINK, WE'RE LOOKING AT OR 2001 UNDER THE BILL, SO
20 I HOPE WE COULD JUST GET ON WITH A MORE SINGULAR
21 RESPONSIBILITY HERE.

22 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
23 THOUGHTS? DO WE WANT -- MRS. GOTCH, HOW DO YOU
24 FEEL? DO YOU WANT TO MAYBE REVISIT IT?

25 BOARD MEMBER GOTCH: I AGREE WITH THE

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1 COMMENTS THAT MR. RELIS JUST MADE.

2 CHAIRMAN PENNINGTON: FINE. WE'LL GO ON.
3 I DID OVERLOOK SB 1330.

4 MS. ZWARTS: SINCE THAT'S OUR LAST BILL
5 IN YOUR PACKET TODAY, SB 1330 BY SENATOR LOCKYER.
6 THIS BILL IS SPONSORED BY THE AUTHOR'S OFFICE.
7 THIS WOULD REQUIRE THE BOARD TO CREATE A PROGRAM
8 OF GRANTS TO LOCAL AGENCIES AND INDIVIDUAL
9 PROPERTY OWNERS TO COVER THE COSTS OF CLEANING UP
10 SOLID WASTE ILLEGALLY DISPOSED OF ON FARM AND
11 RANCH PROPERTY.

12 THIS BILL WAS REVIEWED BY THE
13 COMMITTEE. IT HAS A SUPPORT IF AMENDED
14 RECOMMENDATION TO THE COMMITTEE -- TO THE BOARD.
15 IT DOES HAVE A FISCAL IMPACT OF \$100,000 FIRST
16 YEAR AND FROM 200 TO 400,000 IN THE FOLLOWING
17 YEARS. IT IS SET TO BE HEARD IN THE SENATE
18 APPROPRIATIONS COMMITTEE ON THE 29TH. AND I'M
19 AVAILABLE FOR QUESTIONS.

20 CHAIRMAN PENNINGTON: QUESTIONS?

21 BOARD MEMBER CHESBRO: FIRST OF ALL, I'LL
22 MOVE THE COMMITTEE'S RECOMMENDATION. AND THE
23 AMENDMENTS ARE ON PAGE 129. THEY ATTEMPT TO
24 ADDRESS QUESTIONS THE STAFF AND OTHERS HAVE HAD
25 ABOUT HOW TO MAKE THIS PROGRAM WORK EFFECTIVELY.

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1 I THINK WITH THE SUPPORT THE BILL HAS GENERATED,
2 IT'S VERY LIKELY IT IS GOING TO BECOME LAW, AND I
3 THINK IT'S IMPORTANT FOR US TO TRY TO HAVE
4 LEVERAGE TO WORK WITH THE AUTHOR TO GET THESE
5 AMENDMENTS SO THAT IT WORKS BEST FOR THE BOARD.

6 WITH REGARDS TO THE FISCAL IMPACT, I
7 THINK THAT'S SORT OF -- IT'S A RETARGETING AND
8 REFOCUSING OF SOME BOARD RESOURCES. IT'S NOT --
9 THE FUNDS THAT ARE REFERRED TO ARE FUNDS THAT ARE
10 SPECIFICALLY FOR THESE PURPOSES ANYWAY. IT JUST
11 TARGETS THEM ON THE PRIORITIES THAT THE
12 LEGISLATURE IS ASKING FOR.

13 SO I WOULD HOPE THAT THE BOARD COULD
14 SEE CLEAR TO ADOPT A SUPPORT IF AMENDED, AND I
15 THINK WE'VE GOT A GOOD CHANCE OF MAKING THE
16 ADJUSTMENTS NECESSARY FOR IT TO HAVE A GOOD FIT
17 WITH OUR EXISTING PROGRAMS RATHER THAN BEING
18 IMPOSED AS THOUGH IT WERE A TOTALLY SEPARATE, NEW
19 PROGRAM WITHOUT REGARDS TO THE EXISTING STATUTE.

20 BOARD MEMBER GOTCH: I'LL SECOND THE
21 MOTION.

22 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
23 MOVED AND SECONDED. ANY FURTHER DISCUSSION?

24 BOARD MEMBER JONES: MR. CHAIRMAN, I LOVE
25 THIS PART OF OUR -- WHAT WE DO HERE IN DEALING

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1 WITH LEGISLATIVE ISSUES, ESPECIALLY WHEN I HAVE TO
2 GET CONFIRMED BY THE AUTHOR AT SOME POINT, BUT...

3 I -- YOU KNOW, WE -- I AGREE WITH
4 WHAT THIS IS, BUT IT'S AMAZING. IN FEBRUARY,
5 WHICH WAS MY FIRST POLICY COMMITTEE MEETING, WE
6 HAD AN ISSUE ON INNOCENT LANDOWNERS THAT DEALT
7 WITH A RANCHER THAT HAD A LOT OF TIRES BROUGHT ON
8 HIS PROPERTY. AND THE ISSUE THAT CAME IN FRONT OF
9 THIS BOARD WAS DID WE HAVE THE LEGAL RIGHT IN LAW
10 TO REIMBURSE THAT PERSON.

11 AND THE DECISION OF THAT COMMITTEE
12 WAS THAT WE DID NOT HAVE THAT ACCORDING TO THE LAW
13 AS IT WAS WRITTEN, AND WE SUGGESTED THAT WE NEEDED
14 LEGISLATION OR WHATEVER TO CHANGE THAT. I HAD
15 ASKED IN THAT BOARD MEETING -- I HAD ASKED MY
16 FELLOW BOARD MEMBERS THE PERMISSION TO PULL THAT
17 ITEM, NOT TO CHANGE THE VOTE, BUT TO PULL THE ITEM
18 BECAUSE, AS A NEW BOARD MEMBER, I THOUGHT THERE
19 WERE WAYS THAT WE COULD, IN FACT, MINIMIZE THE
20 IMPACTS TO THE BOARD IN CLEANING UP SOME OF

THESE

21 PROBLEMS, NOT NECESSARILY LOOKING AT A
22 REIMBURSEMENT ISSUE FOR INNOCENT LANDOWNERS, BUT
23 WHAT NEEDED TO BE DONE SO WE COULD HANDLE SOME
24 OF
THESE PROBLEMS.

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25

AND WE HAVE BEEN WORKING FOR -- I

1 WAS KIND OF PLEASANTLY SURPRISED WHEN I SAW THIS
2 LEGISLATION COME FORWARD BECAUSE WE HAD BEEN
3 WORKING ON THE ISSUE SINCE FEBRUARY, LOOKING AT
4 DIFFERENT WAYS, WHAT CRITERIA WOULD BE, AND, IN
5 FACT, IN JUNE OF THIS MONTH -- I'M SORRY -- IN
6 JUNE IN THE POLICY COMMITTEE, WE'RE GOING TO HAVE
7 A DISCUSSION JUST ABOUT THIS. IT WAS ACTUALLY
8 GOING TO BE SLOTTED FOR JULY, AND WE MOVED IT UP
9 BECAUSE OF THIS BILL BECAUSE THE WAY THIS BILL
10 READS RIGHT NOW IS THAT ANYBODY THAT DOES A
11 CLEANUP OR DOES ANY OF THOSE THINGS CAN COME
12 FORWARD WITH A BILL AND TELL US. THERE'S NO
13 OVERSIGHT BY THE BOARD. THERE'S NO OVERSIGHT BY
14 OUR PEOPLE. WE DON'T KNOW IF, IN FACT, THIS IS AN
15 EXISTING PILE THAT'S BEEN THERE FOREVER AND HAS
16 BEEN HANDED DOWN ALONG WITH THE RANCH FROM ONE
17 GENERATION TO ANOTHER OR IF, IN FACT, SOMEBODY
18 CAME ALONG AND DUMPED IT.

19 I THINK THIS IS IMPORTANT
20 LEGISLATION. BUT I THINK THAT WE NEED TO REALLY
21 TALK ABOUT HOW WE CAN GET THE MECHANISMS IN PLACE
22 OR THE UNDERSTANDINGS IN PLACE SO THAT WE DON'T
23 DESTROY OTHER PROGRAMS WITHIN THE BOARD BECAUSE OF
24 A GROUP THAT CAN COME FORWARD WITH BILLS AND DO
25 THAT. SO I WOULD LIKE TO OFFER -- I'D LIKE TO

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1 OFFER A SUBSTITUTE AMENDMENT, THAT WE OPPOSE
THIS
2 UNLESS AMENDED.
3 AND THEN I WOULD APPRECIATE IT IF
4 MR. CHESBRO OR ANYBODY ELSE COULD COME TO OUR
JUNE
5 POLICY MEETING WHERE WE ARE GOING TO DISCUSS
THIS
6 QUITE A BIT. AND I REALIZE THAT THESE BILLS
MOVE
7 FAST, AND THERE'S MAYBE NOT A POTENTIAL TO GET
OUR
8 STUFF IN, BUT I THINK THAT WE CAN LOOK AT SOME
OF
9 THE METHODOLOGIES INVOLVED AND SEE IF WE CAN
OFFER
10 SOME OF THOSE AMENDMENTS, SOME OF THAT CLARIFI-
11 CATION TO THE AUTHOR SO THAT WE CAN COME UP WITH
12 SOMETHING THAT NOT ONLY TAKES CARE OF WHAT I
THINK
13 IS A SIGNIFICANT ISSUE, BUT ALSO DO IT IN SUCH A
14 WAY THAT IT DOESN'T DESTROY EXISTING PROGRAMS AT
15 THE BOARD AND GIVES US OVERSIGHT SO THAT WE KNOW
16 WHAT'S GOING ON OUT THERE IN THESE CLEANUPS
RATHER

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17 THAN HAVING SOMEBODY COME FORWARD WITH A BILL
AND

18 ALL OF A SUDDEN OUR FUNDS ARE IN A STATE OF FLUX
19 AND OUR OVERSIGHT IS IN A STATE OF FLUX. I JUST
20 THINK WE NEED TO TALK ABOUT THOSE THINGS BECAUSE
I

21 THINK THAT'S IMPORTANT. THAT'S MY MOTION, TO
22 OPPOSE UNLESS AMENDED.

23 CHAIRMAN PENNINGTON: OKAY. SINCE I
24 DON'T HAVE TO FACE CONFIRMATION, I'LL SECOND IT.
25 BOARD MEMBER JONES: APPRECIATE THAT.

1 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

2 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

3 BOARD MEMBER CHESBRO: WELL, I WOULD
4 WELCOME MR. JONES' SUGGESTIONS FOR ADDITIONAL
5 AMENDMENTS. I THINK WHAT I SAID EARLIER ABOUT
6 ASSEMBLYWOMAN ESCUTIA APPLIES EVEN MORE SO IN THIS
7 CASE. I THINK WE'RE IN A MUCH BETTER POSITION
8 GOING TO THE PRO TEM OF THE SENATE SAYING WE'D
9 LIKE TO SUPPORT YOUR BILL, BUT WE HAVE ISSUES AND
10 PROBLEMS WE'D LIKE YOU TO WORK OUT.

11 I'M A LITTLE CONCERNED THAT THERE'S
12 AN IMPRESSION. MAYBE I MISREAD THE BILL, AND I'D
13 BE INTERESTED IN STAFF'S FEEDBACK. BUT THERE'S AN
14 IMPRESSION THAT WE'RE GOING TO BE REQUIRED TO HAND
15 THESE OUT WITHOUT ANY CRITERIA OR THE BOARD'S
16 AUTHORITY SIMILAR TO OUR EXISTING AUTHORITY TO
17 DETERMINE WHAT THE PRIORITIES ARE GOING TO BE,
18 WHO'S ELIGIBLE, THOSE KINDS OF THINGS.

19 DOES IT REQUIRE US TO HAND OUT
20 CHECKS TO WHOEVER SAYS THEY'VE CLEANED SOMETHING
21 UP?

22 MS. ZWARTS: THE WAY THE BILL WORKS IS
23 THAT THE BOARD IS ALLOWED TO GIVE A SUM OF UP TO
24 \$50,000 TO A LOCAL JURISDICTION WHO WANTS TO DO
25 IT, AND THEY WOULD TURN AROUND AND HAND OUT THE

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1 MONEY. OR IN THE ABSENCE OF A LOCAL JURISDICTION
2 ASKING FOR THE MONEY, THEY CAN COME DIRECTLY TO
3 THE BOARD, A LANDOWNER COULD, AND ASK FOR FUNDING.

4 IT DOES SAY THAT THE BOARD CAN ADOPT
5 OR SHOULD ADOPT REGULATIONS TO DEVELOP CRITERIA
6 FOR GRANT ELIGIBILITY AND ESTABLISHING A PROCESS
7 THAT IS OPEN AND ACCESSIBLE TO THE PUBLIC FOR
8 GRANT APPLICATIONS, BUT IT DOES NOT EXPRESSLY SAY
9 HOW THE MONEY WILL BE GIVEN OUT.

10 BOARD MEMBER CHESBRO: WELL, I GUESS I
11 WOULD INTERPRET THAT AS I DID WHEN I READ THE
12 BILL, THAT THAT GIVES US THE AUTHORITY TO PUT THE
13 NECESSARY CONTROLS ON AS WE DO WITH THE CURRENT
14 CLEANUP PROGRAMS IN EACH OF THE FUND SOURCES, THE
15 OIL, THE TIRE, AND THE GENERAL WASTE CLEANUP
16 FUNDS, TO MAKE SURE THAT THE BOARD'S PRIORITIES
17 AND THE PUBLIC PRIORITIES ARE MET, AND WE'RE NOT
18 SIMPLY LINING SOMEBODY'S POCKET. IF THAT WERE THE
19 CASE, I'D SHARE YOUR CONCERN. BUT, AGAIN, IF
20 THERE'S LANGUAGE THAT WOULD MORE SPECIFICALLY
21 CLARIFY THAT AS AN AMENDMENT, I'M VERY OPEN-MINDED
22 ABOUT IT. I'M SURE SENATOR LOCKYER WOULD BE TOO.

23 CHAIRMAN PENNINGTON: WELL, I CERTAINLY
24 AGREE THAT IT'S AN AREA THAT WE NEED TO EXPLORE,
25 AND IT'S AN AREA THAT WE NEED TO DO, BUT I THINK

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1 WE NEED TO DO IT PROPERLY. AND SO I SUPPORT MR.
2 JONES' AMENDMENT.

3 ANY OTHER QUESTIONS?

4 BOARD MEMBER FRAZEE: YES, JUST A
5 COMMENT, MR. CHAIRMAN. MY PROBLEM WITH THIS DEALS
6 WITH THE GRANTS TO INDIVIDUAL PROPERTY OWNERS. I
7 THINK THAT COULD DEVELOP INTO AN ADMINISTRATIVE
8 NIGHTMARE. I WOULD RATHER SEE THIS KIND OF A
9 PROGRAM EVOLVE INTO ONE WHICH WAS TOTALLY LOCAL
10 GOVERNMENT CONTROLLED, SO IT WOULD BE A
11 RESPONSIBILITY PARTY AND SOME LIMITING EFFECT ON
12 THE GRANTS.

13 I CAN JUST SEE PEOPLE LINING UP TO
14 CLEAN UP THEIR PROPERTY YEAR AFTER YEAR AND
15 FINDING THIS IS, YOU KNOW, A GOOD SOURCE OF FUNDS
16 FOR CLEANUP. AND HAVING THE INTERMEDIARY OF A
17 LOCAL GOVERNMENT ENTITY, I THINK GIVES SOME
18 BALANCE TO IT. THAT'S MY PRINCIPAL PROBLEM WITH
19 THE BILL AS IT'S WRITTEN.

20 CHAIRMAN PENNINGTON: MR. JONES.

21 BOARD MEMBER JONES: YOU KNOW, MR. FRAZEE
22 BRINGS THAT POINT UP. AND I DON'T WANT TO BE
23 MISUNDERSTOOD. I THINK THAT THIS IS IMPORTANT. I
24 JUST WANT TO MAKE SURE THAT WE PUT IT IN A WAY
25 THAT WE CAN ADMINISTER IT. AND A LOT OF WHAT MR.

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1 FRAZEE JUST SAID SCARES ME ABOUT THIS. AND THE
2 DISCUSSION IS GOING TO HAPPEN JUNE 8TH, AND I
3 ENCOURAGE EVERYBODY TO COME IN AND TALK BECAUSE WE
4 DO NEED TO HAVE A WAY THAT THIS BILL BECOMES
5 SUCCESSFUL AND THAT WE CAN MANAGE IT. SO THAT'S
6 WHY MY POSITION IS OPPOSE UNLESS AMENDED.

7 BOARD MEMBER CHESBRO: WELL, AGAIN, MY
8 COMMENT WOULD BE THAT THIS BILL IS MOVING FORWARD
9 WITH A TREMENDOUS SUPPORT, BIPARTISAN SIGNIFICANT
10 LANDOWNER INTEREST GROUPS IN THE STATE. I THINK
11 THE TRAIN IS GOING TO LEAVE THE STATION WITHOUT
12 US, AND WE'RE NOT GOING TO HAVE THE CHANCE TO GET
13 THE KINDS OF CHANGES THAT WE'D LIKE, INCLUDING THE
14 ONES WE SUGGESTED TO COMMITTEE AND THE ONES YOU'RE
15 SUGGESTING HERE TODAY. I THINK IT'S A STRATEGIC
16 ERROR, BUT THAT'S FOR EACH OF US TO DECIDE.

17 CHAIRMAN PENNINGTON: ANY
FURTHER

18 DISCUSSION? IF NOT, WILL THE
SECRETARY CALL THE
19 ROLL.

20 BOARD MEMBER JONES: THIS
IS ON THE
21 SUBSTITUTE.

22 CHAIRMAN PENNINGTON: YES,
ON THE

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23 SUBSTITUTE MOTION.

24 BOARD SECRETARY: BOARD

MEMBER CHESBRO.

25 BOARD MEMBER CHESBRO: NO.

1 BOARD SECRETARY: FRAZEE.
2 BOARD MEMBER FRAZEE: AYE.
3 BOARD SECRETARY: GOTCH.
4 BOARD MEMBER GOTCH: NO.
5 BOARD SECRETARY: JONES.
6 BOARD MEMBER JONES: AYE.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: AYE.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: AYE. MOTION
11 CARRIES.

12 WE'LL MOVE TO ITEM 33, CONSIDERATION
13 OF PROCEDURAL ISSUES REGARDING IRONCLAD, INC.'S
14 PETITION FOR VARIANCE FROM THE RECYCLED-CONTENT
15 TRASH BAG PROGRAM REQUIREMENTS.

16 MS. TRGOVCICH: GOOD MORNING, MR.
17 CHAIRMAN AND MEMBERS, AGAIN. I'M GOING TO JUST
18 PROVIDE A VERY BRIEF INTRODUCTION, AND JERRY HART
19 WILL BE PRESENTING THE ITEM.

20 JUST BY WAY OF INTRODUCTION, THE
21 PURPOSE OF THIS ITEM IS TO CONSIDER THE PROCEDURAL
22 ASPECTS PERTAINING TO THE HEARING OF THE VARIANCE.
23 AND BASICALLY WHAT I WANTED TO DO IS REMIND EACH
24 AND EVERY ONE OF YOU THAT SUBSEQUENT TO THIS
25 MEETING AND THE DETERMINATION BY YOU TODAY,

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1 IRONCLAD WILL COME FORWARD WITH THE ACTUAL
2 VARIANCE INFORMATION. STAFF WILL PERFORM AN
3 ANALYSIS, AND THAT ACTION WILL BE BEFORE THE BOARD
4 SUBSEQUENT TO THIS.

5 THE PURPOSE OF TODAY'S ITEM IS
6 CONSIDERATION OF THE PROCEDURAL ASPECTS ON HOW
7 THAT VARIANCE HEARING IS GOING TO BE CONDUCTED
8 ONLY. WITH THAT, I'M GOING TO TURN THE
9 PRESENTATION OVER THE JERRY.

10 MR. HART: THANK YOU, CAREN. MORNING,
11 MR. CHAIRMAN, BOARD MEMBERS. MY NAME IS JERRY
12 HART. AND AS CAREN SUGGESTED, WE'RE HERE TODAY TO
13 DECIDE ON THE PROCEDURAL ISSUES REGARDING THE
14 PETITION FOR VARIANCE FROM THE TRASH BAG PROGRAM
15 REQUIREMENTS THAT IRONCLAD HAS REQUESTED.

16 WE HAVE BEFORE US AN ISSUE REGARDING
17 WHAT ROLE THE COMMITTEE WILL HAVE IN CONDUCTING
18 THE PUBLIC HEARING. THE STATUE REQUIRES A PUBLIC
19 HEARING TO BE CONDUCTED BY THE BOARD, SO WE'RE
20 COMING HERE BEFORE YOU TODAY TO TRY TO ESTABLISH
21 THE PROCEDURE, WHETHER THE PUBLIC HEARING WILL BE
22 CONDUCTED AT A COMMITTEE MEETING AND AT A BOARD
OR
23 SIMPLY GO STRAIGHT TO THE BOARD.

24 WE HAD THIS MEETING HEARD YESTERDAY
25 AT THE SPECIAL MARKET DEVELOPMENT COMMITTEE

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1 MEETING, AND THE COMMITTEE APPROVED STAFF'S
2 RECOMMENDATION THAT WE ATTEMPT TO CONDUCT THE
3 PUBLIC HEARING ONCE DIRECTLY AT A BOARD MEETING.

4 I ALSO WANTED TO RAISE SEVERAL
5 ISSUES REGARDING THE BOARD'S ABILITY AND
6 FLEXIBILITY REGARDING A DECISION ON THE VARIANCE.
7 AGAIN, WE'RE SIMPLY RAISING PROCEDURAL ISSUES
8 HERE, NOT AT ALL GETTING INTO THE SUBSTANCE OR
9 VALIDITY OF THE PETITION.

10 BUT STATUTE DOES PROVIDE THE BOARD
11 THE ABILITY TO PUT CONDITIONS ON ANY VARIANCE THEY
12 MAY OR MAY NOT GRANT. THEY ALSO HAVE THE ABILITY
13 TO APPROVE A VARIANCE FOR LESS THAN TWO YEARS.
14 THEY ALSO HAVE THE ABILITY TO GRANT SOME TYPE OF
15 GRACE PERIOD IN THE EVENT A VARIANCE IS NOT
16 APPROVED.

17 SO WE WANT TO JUST BRING THESE
18 ISSUES UP TODAY JUST TO MAKE SURE THAT THE BOARD
19 MEMBERS ARE AWARE OF THEIR FLEXIBILITY UNDER THE
20 STATUTORY PROVISIONS AND TRY TO ESTABLISH EXACTLY
21 WHAT PROCEDURE WILL BE NEEDED TO HAVE THE PUBLIC
22 HEARING ON THE IRONCLAD PETITION.

23 CHAIRMAN PENNINGTON: OKAY. ANY
24 QUESTIONS FROM THE BOARD? IF NOT, MR. GENE
25 LIVINGSTON WOULD LIKE TO ADDRESS THE BOARD.

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1 MR. LIVINGSTON: MR. CHAIRMAN, MEMBERS OF
2 THE BOARD, MY NAME IS GENE LIVINGSTON. I
3 REPRESENT IRONCLAD. I HAD THREE ISSUES I'D LIKE
4 TO JUST RAISE.

5 FIRST, I WANT TO URGE THE FULL BOARD
6 TO ACCEPT THE COMMITTEE'S RECOMMENDATION WITH
7 RESPECT TO THE NATURE OF THE HEARING. AND THAT IS
8 TO -- IS TO HAVE THE BOARD CONDUCT A SINGLE
9 HEARING ON THIS ISSUE. THIS IS, AS I LOOK AT IT,
10 A QUASI-JUDICATORY FUNCTION OF THE BOARD. AND
11 NONE OF US WANT TO GO THROUGH TWO TRIALS. AND SO
12 BASICALLY THE IDEA IS THAT IF WE CAN JUST COME
13 DIRECTLY TO THE BOARD, THAT THAT WOULD ALLOW US TO
14 PRESENT OUR EVIDENCE ONCE, AVOID HAVING TO HAVE
15 TWO TRIALS. IT WOULD ALSO RESULT IN SIGNIFICANT
16 ECONOMIES FOR US BECAUSE WE WILL HAVE OUT-OF-STATE
17 WITNESSES AND TO AVOID HAVING TO BRING THEM BACK
18 TWICE, ONCE FOR A COMMITTEE MEETING AND ONCE FOR A
19 FULL BOARD MEETING, SO WOULD URGE YOU TO FOLLOW
20 THE COMMITTEE'S RECOMMENDATION.

21 THE SECOND POINT IS I'M JUST A
22 LITTLE CONCERNED ABOUT THE TIMING ON ALL OF THIS.
23 I HEARD THE DISCUSSION YESTERDAY. WE WERE KIND OF
24 FIXATED ON HAVING THE BOARD HEARING ON THIS ON
25 JULY 9TH. AND IN THE DISCUSSION YESTERDAY, I

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1 REALIZE THAT MIGHT NOT BE POSSIBLE. THAT MEANS
2 THAT THE STAFF WOULD HAVE TO HAVE ITS WORK DONE BY
3 JUNE 25TH IN ORDER TO MEET THE TEN WORKING DAY
4 DEADLINE THAT WAS INCLUDED IN THE MOTION.

5 AND THE STAFF HAD INDICATED TO US
6 THEY'D LIKE TO HAVE OUR INFORMATION SUBMITTED BY
7 JUNE 15TH. THAT, OF COURSE, ONLY GIVES THE STAFF
8 TEN DAYS TO BE ABLE TO GET OUR INFORMATION IN A
9 FEW DAYS EARLIER, STILL ONLY A COUPLE WEEKS WITH
10 STAFF TO DO THE ANALYSIS. QUESTION IS WHETHER
11 THAT'S SUFFICIENT TIME FOR THE STAFF OR IF THERE'S
12 SOME OTHER KIND OF TIMETABLE WE SHOULD BE LOOKING
13 AT HERE.

14 THE THIRD POINT, I JUST WANTED TO
15 FOLLOW UP WITH RESPECT TO MR. HART'S FINAL POINT.
16 YOU ALL UNDERSTAND THAT I'M CONVINCED THAT AFTER
17 WE PRESENT OUR EVIDENCE, THAT ALL SIX OF YOU ARE
18 GOING TO BE CONVINCED ALSO THAT WE SHOULD GET A
19 FULL TWO-YEAR VARIANCE. AND, OF COURSE, UNDER
20 THE
21 STATUTE A TWO-YEAR VARIANCE IS THE LONGEST
22 TIME
23 PERIOD THAT YOU CAN GRANT A VARIANCE.

24 IF THE UNFORESEEN, THE
25 UNTHINKABLE

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23 SHOULD OCCUR, AND THERE ARE LESS THAN FOUR OF
YOU

24 AGREE THAT WE SHOULD HAVE A FULL VARIANCE FOR
THE
25 FULL TWO-YEAR PERIOD, I HAVE SUBSTANTIAL
CONCERNS

1 ABOUT WHAT IMPACT THAT MIGHT HAVE ON IRONCLAD.

2 FIRST OF ALL, WE'RE SIX OR SEVEN
3 MONTHS INTO THIS YEAR AND TO ALL OF A SUDDEN HAVE
4 TO COMPLY WITH THE 30-PERCENT POSTCONSUMER
5 RECYCLED CONTENT WOULD CREATE ENORMOUS PROBLEMS
6 FOR US.

7 AND THEN, SECONDLY, JUST TRYING TO
8 THINK ABOUT HOW IRONCLAD WOULD BE IN A POSITION OF
9 TRYING TO SURVIVE INTO THE FUTURE WHERE THE STRAP
10 BAG IS ITS MARKET NICHE AND ITS ECONOMIC BASE, THE
11 KINDS OF CHANGES THAT WE'D HAVE TO MAKE JUST
12 CREATE SUBSTANTIAL CONCERNS ON OUR PART.

13 AND AS MR. HART INDICATED, THE BOARD
14 HAS SUBSTANTIAL FLEXIBILITY. AND I WOULD
15 APPRECIATE JUST SOME INDICATION FROM YOU ABOUT
16 WHAT KIND OF FLEXIBILITY YOU SEE THAT MIGHT BE
17 AVAILABLE IN THE EVENT THAT LESS THAN FOUR OF YOU
18 SHOULD FEEL CONVINCED TO GRANT US A FULL TWO-YEAR
19 VARIANCE. SO THOSE ARE THE THREE ISSUES THAT I
20 WANTED TO PRESENT TO YOU THIS MORNING.

21 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
22 LIVINGSTON.

23 BOARD MEMBER RELIS: MR. CHAIR, OF
24 COURSE, WE'RE NOT IN THE HEARING. SO IT WAS A
25 GOOD PREAMBLE. SOME OF THE POINTS YOU RAISE, I

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1 DON'T THINK -- WE'RE NOT PREPARED, I DON'T THINK
2 TODAY, TO RESPOND TO UNTIL WE GET THE INFORMATION.

3 WE HAD A LENGTHY DISCUSSION ABOUT
4 THIS YESTERDAY, SOME DIFFERENCES OF OPINION ABOUT
5 WHETHER WE SHOULD HOLD A SINGLE -- OR THE
6 COMMITTEE APPROVED COMING FORWARD WITH A
7 RECOMMENDATION FOR A SINGLE HEARING. I WAS
8 PERSUADED TO THAT EFFECT BY THE TIME FACTOR AND
9 STAFF CONSTRAINTS ON THIS MATTER. SO AS LONG AS
10 WE'RE ABLE TO ABIDE BY OUR TEN WORKING DAY
11 REQUIREMENT, I THINK THAT GIVES THE PUBLIC AND ALL
12 PARTIES SUFFICIENT TIME TO PREPARE AND THIS BOARD
13 AS A WHOLE. SO I'M GOING TO MOVE ADOPTION OF THE
14 COMMITTEE RECOMMENDATION.

15 CHAIRMAN PENNINGTON: I'LL SECOND THAT.

16 QUESTION: IS THE 9TH A SACROSANCT DATE?

17 MS. TRGOVCICH: THERE IS NOTHING SPECIAL
18 ABOUT THE 9TH. I THINK WHAT WE AS STAFF WERE
19 TRYING TO DO WAS TO IDENTIFY POSSIBLE DATES.
20 SINCE THIS WOULD BE A SPECIALLY CONVENED PUBLIC
21 HEARING OF THE BOARD, IT DIDN'T NECESSARILY HAVE
22 TO HAPPEN PER THE DIRECTION RECEIVED YESTERDAY
23 AT
24 THE EXACT TIME OF THE BOARD MEETING ITSELF. AND
SO WHAT WE WERE LOOKING AT WERE VARIOUS OPTIONS

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25 WITH THE COMMITTEE CALENDARS THROUGH THE MONTH
OF

1 JULY. THERE ARE COMMITTEE MEETINGS ON THE 8TH,
2 THE 9TH, THE 15TH, THE 16TH, I BELIEVE, AND THEN
3 THE BOARD MEETING.

4 I THINK WHAT WE WERE JUST LOOKING AT
5 WAS IT WAS PROBABLY EASIER TO GET THE GREATEST
6 NUMBER OF MEMBERS AVAILABLE AROUND THE COMMITTEE
7 MEETING DATES THAT HAVE ALREADY BEEN SCHEDULED.
8 THAT IS THE ONLY SPECIAL NOTION AROUND THE 9TH.

9 CHAIRMAN PENNINGTON: SO IN ORDER TO
10 CARRY OUT THE TIMETABLE THAT THE COMMITTEE HAS
11 RECOMMENDED, WE CAN DO THAT AND MAYBE NOT HAVE TO
12 HOLD THE HEARING ON THE 9TH IF YOU CAN FIND
13 ANOTHER ACCEPTABLE DATE SO THAT THE TIMETABLE CAN
14 FALL WITHIN REASONABLENESS FOR BOTH STAFF AND
15 IRONCLAD.

16 MS. TRGOVCICH: WE WILL DO OUR BEST TO
17 ENDEAVOR TO BE ABLE TO MEET IRONCLAD'S NEEDS.
18 WHAT I HAVE SAID TO MR. LIVINGSTON AND I WILL SAY
19 HERE IS THAT WE HAVE NOT EVALUATED THIS INFORMA-
20 TION IN PRIOR TIMES, THAT IRONCLAD RECEIVED A
21 LEGISLATIVE EXEMPTION, AND SO THIS IS THE FIRST
22 OPPORTUNITY THAT THE BOARD WILL HAVE TO CONSIDER
23 THE INFORMATION AND THE FIRST OPPORTUNITY THAT
THE
24 STAFF WILL HAVE. AND SO NOT KNOWING WHAT WE ARE

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25 GOING TO RECEIVE, I DON'T WANT TO COMMIT TO LESS

1 THAN THREE WEEKS NECESSARY TO DO THE ANALYSIS
2 SINCE WE DON'T KNOW WHAT WE'RE GOING TO GET, HOW
3 MAY VOLUMES WE'RE GOING TO GET. WE HAVE NO IDEA.
4 BUT ONCE WE DO RECEIVE IT, IF IT'S POSSIBLE TO DO
5 IT IN LESS THAN THREE WEEKS AND SCHEDULE THE
6 MEETING AT A SOONER DATE, WE WILL CERTAINLY
7 ENDEAVOR TO DO THAT.

8 CHAIRMAN PENNINGTON: OKAY. THE ONLY
9 OTHER THING THAT I WOULD SAY ABOUT THE TIMETABLE
10 IS IS THAT WHILE I KNOW IT'S DIFFICULT FOR THE
11 OPPOSITION TO RESPOND TO WHAT IRONCLAD MAY SUBMIT
12 TO US, I WOULD HOPE THAT THEY TOO WOULD BE MINDFUL
13 OF THE FACT THAT THE BOARD MEMBERS HAVE TO READ
14 AND DIGEST ALL THE MATERIALS. SO I WOULD HOPE
15 THAT ANY OPPOSITION TO IRONCLAD'S VARIANCE WOULD
16 TRY TO STAY WITHIN THE TEN-DAY PERIOD AS WELL.

17 BOARD MEMBER RELIS: THAT MAY BE WISHFUL
18 THINKING DUE TO THE NATURE OF OPPOSITION. I DO
19 BELIEVE WE MADE THE COMMENT AS WELL THAT UNLESS
20 THE PACKAGE WERE COMPLETE, WE WOULDN'T -- THIS

WAS

21 NOT AN ITEM THAT WE WANTED TO HAVE AS A PARTIAL
22 FULFILLMENT OF A COMPLETE PACKET. WE WANT IT
23 FULLY COMPLETE, OTHERWISE I DON'T THINK WE WANT

TO

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24 SEE IT.

25 MS. TRGOVCICH: I THINK THAT THE
REGULA-

1 TIONS THAT THE BOARD ADOPTED GIVES THE APPLICANT
2 FLEXIBILITY ON THE SCOPE OF INFORMATION THAT THE
3 APPLICANT WISHES TO SUBMIT IN SUPPORT OF THE
4 VARIANCE REQUEST. THE APPLICANT MAY CHOOSE, FOR
5 PROPRIETARY REASONS, NOT TO SUBMIT INFORMATION
6 PERTAINING TO CERTAIN POINTS AND MAY CHOOSE TO
7 FOCUS ON OTHERS. I DON'T KNOW. I'M NOT THE
8 APPLICANT. BUT IT WILL BE THEIR DETERMINATION AS
9 TO WHAT IS COMPLETE, AND WE WILL PERFORM AN
10 ANALYSIS BASED UPON THE INFORMATION SUBMITTED.

11 CHAIRMAN PENNINGTON: WELL, YOU GOT TO
12 UNDERSTAND THAT I'M CONCERNED THAT THEIR
13 COMPETITION MAY SHOW UP TWO DAYS BEFORE THE
14 HEARING AND SAY, HERE'S FIVE VOLUMES WHY WE THINK
15 THAT YOU SHOULDN'T GRANT THIS AND EXPECT IT TO BE
16 REVIEWED AND UNDERSTOOD. I'M JUST TRYING TO MAKE
17 IT PUBLIC THAT THAT'S A DIFFICULT THING FOR US.

18 MS. TRGOVCICH: IF IT WOULD MAYBE HELP
19 THE COMMITTEE AND BOARD MEMBERS, WE WILL NOTIFY AT
20 LEAST THE OPPOSITION THAT WE ARE AWARE OF AT THE
21 TIME THAT WE RECEIVE THE INFORMATION JUST TO LET
22 THEM KNOW THAT WE'RE STARTING THE PROCESS NOW AND
23 ANTICIPATED AVAILABILITY OF THE INFORMATION SO
24 THAT THERE'S NO SURPRISES WHEN THE INFORMATION
25 COMES OUT. WE'LL MAKE IT AVAILABLE TO THEM IF

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THEY WISH OVERNIGHT SO THAT NO ONE CAN CLAIM THAT
THEY ONLY HAD A FEW DAYS BECAUSE OF THE MAIL
SYSTEM AS WELL.

CHAIRMAN PENNINGTON: OKAY. FINE. ANY
OTHER DISCUSSION?

BOARD MEMBER GOTCH: MR. CHAIR, I WON'T BE GOING ALONG WITH THE COMMITTEE'S RECOMMENDATION. I FEEL THAT THIS SHOULD BE GOING THROUGH THE COMMITTEE PROCESS FIRST. AND I THINK IT MIGHT, IN FACT, HELP US WORK OUT SOME OF THE CONCERNS THAT WERE JUST BROUGHT UP HERE NOW. AND IT ALSO ALLOWS US TIME, QUITE OFTEN, TO DIGEST INFORMATION BETWEEN THE COMMITTEE AND THE BOARD MEETING.

CHAIRMAN PENNINGTON: MR. CHESBRO.

BOARD MEMBER CHESBRO: MR. CHAIRMAN, IT'S A LITTLE DIFFICULT FOR ME TO UNDERSTAND WHY WE'VE HAD A COMMITTEE ITEM AND A BOARD AGENDA ITEM TO DECIDE WHETHER OR NOT TO HAVE A COMMITTEE ITEM. THE AMOUNT OF TIME AND ENERGY IT'S TAKEN AND THE LOBBYING AND THE TRAVEL AND EVERYTHING THAT'S GONE INTO TRYING TO MAKE THIS DECISION IS PROBABLY A PRETTY FAIR PERCENTAGE OF WHAT IT WOULD TAKE TO HAVE A COMMITTEE ITEM.

THE COMMITTEE SYSTEM, EXCEPT IN RARE

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1 CIRCUMSTANCES WHERE WE'VE ALL AGREED TO SEND
2 THINGS DIRECTLY TO THE BOARD FOR TIMING PURPOSES
3 OR FOR OTHER URGENT REASONS, HAS WORKED REALLY
4 WELL; AND IT'S GIVEN THE OPPORTUNITY FOR ISSUES TO
5 BE BROUGHT UP, TO BE AIRED FOR ALL PARTIES, NOT
6 JUST THE BOARD MEMBERS, BUT OTHER INTERESTED
7 PARTIES, THE PUBLIC, TO HEAR THE ISSUES SOME
8 PERIOD OF TIME PRIOR TO THE BOARD MEETING, AND
9 THEN FOR THE ISSUE TO ULTIMATELY BE DECIDED AT THE
10 BOARD.

11 IT'S ONLY IN EXTRAORDINARY
12 CIRCUMSTANCES, I THINK, WHERE WE OUGHT TO WAIVE
13 THAT BECAUSE I THINK THAT THE SUCCESS HAS BEEN
14 COMPELLING ENOUGH TO SAY THAT THE BURDEN OUGHT TO
15 BE ON THOSE WHO ARGUE AGAINST IT. I HAVEN'T HEARD
16 WHY -- ANY COMPELLING ARGUMENT ABOUT WHY WE'RE NOT
17 GOING TO HOLD IT AT COMMITTEE.

18 THE ONE EXAMPLE THAT WAS GIVEN
19 UNFORTUNATELY IS ONE THAT INVOLVES MY COMMITTEE,
20 AND IT WAS DESCRIBED AS A PRECEDENT BY STAFF AT
21 COMMITTEE, INVOLVES THE ENFORCEMENT OF THE
22 DIVERSION REQUIREMENTS AND LOCAL PLANNING
23 REQUIREMENTS. AND I'D LIKE TO POINT OUT THAT

THE

24 REASON IN THOSE CASES WERE, FIRST OF ALL, THAT
25 THERE ARE VERY SMALL JURISDICTIONS WITH

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VIRTUALLY

1 NO TRAVEL BUDGET THAT MAY BE THE ONES WHO ARE
2 ULTIMATELY BEFORE THE BOARD, SO THERE WAS SOME
3 CONCERN ABOUT HARDSHIP.

4 AND SECONDLY, THIS MAY TURN OUT NOT
5 TO BE THE CASE, BUT THERE WAS CONCERN THAT WE
6 MIGHT HAVE A LOT OF THEM. WE MIGHT HAVE A LOT
7 MEANING 20 OR 30 AT SOME POINT TO DEAL WITH, AND
8 THAT THAT COULD BE -- COULD SORT OF CLOG UP THE
9 COMMITTEE SYSTEM AND WE MIGHT AS WELL BRING IT
10 DIRECTLY TO THE BOARD.

11 I JUST WANT TO MAKE IT CLEAR, AND
12 THE CHAIRMAN OF THE COMMITTEE ACTUALLY AGREED
WITH

13 ME YESTERDAY, THAT THIS SHOULDN'T BE VIEWED AS
14 PRECEDENTIAL. EACH DECISION ABOUT WHETHER OR NOT
15 TO BYPASS THE COMMITTEE OUGHT TO BE TAKEN ON ITS
16 OWN MERIT, AND WE SHOULDN'T JUST START SAYING,
17 WELL, WE'VE DONE IT IN THE PAST, SO LET'S AUTO-
18 MATICALLY DO IT AGAIN.

19 ANYWAY, ALL THAT BEING SAID, I'M
20 GOING TO OPPOSE THE MOTION AS I DID AT COMMITTEE.

21 CHAIRMAN PENNINGTON: OKAY. I THINK
22 THAT -- TWO THINGS I'D SAY. I THINK THE STATUTE
23 REQUIRES ONLY ONE HEARING AND THAT WE'RE ONLY TO
24 VIEW AND UNDERSTAND THAT WHICH IS BROUGHT TO US
AT

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25 THAT HEARING. SO I THINK STATUTE PRETTY MUCH
SAYS

1 THAT WE SHOULD ONLY HAVE ONE.

2 IN TERMS OF THE COMMITTEES, I MUST
3 POINT OUT THAT THERE'S PROBABLY NO ONE ON THIS
4 BOARD WHO HAS DEFENDED THE COMMITTEE SYSTEM MORE
5 THAN I HAVE. I'M NOT GOING TO GO INTO DETAIL ON
6 THAT, BUT I THINK YOU ALL KNOW WHAT I'M REFERRING
7 TO. SO IT'S NOT SOMETHING THAT I INTEND TO OR
8 HAVE ANY DESIRES TO SEE US GET AWAY FROM THE
9 COMMITTEE SYSTEM, BUT I THINK THE STATUTE DOES
10 REQUIRE THAT WE HOLD ONE HEARING AND THAT WE AT
11 THAT ONE HEARING MAKE THE DECISION ON THAT
12 EVIDENCE WHICH IS PRESENTED TO US AT THAT HEARING.

13 SO I'LL SUPPORT THE MOTION. IF
14 THERE'S NO FURTHER DISCUSSION, SECRETARY WILL CALL
15 THE ROLL.

16 BOARD SECRETARY: BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: NO.

18 BOARD SECRETARY: FRAZEE.

19 BOARD MEMBER FRAZEE: AYE.

20 BOARD SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: NO.

22 BOARD SECRETARY: JONES.

23 BOARD MEMBER JONES: AYE.

24 BOARD SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.

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1 BOARD SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. MOTION

3 CARRIES.

4 LOOKS LIKE WE'VE GOT ABOUT TEN
5 MINUTES. DO YOU WANT TO KNOCK OFF NOW OR CAN WE
6 GET THROUGH THIS ONE REAL QUICK?

7 MS. TRGOVCICH: ITEM 34 SHOULD NOT BE A
8 LENGTHY ITEM AT ALL.

9 CHAIRMAN PENNINGTON: OKAY.

10 MS. TRGOVCICH: ITEM 34 IS CONSIDERATION
11 OF ADOPTION OF PROPOSED REGULATIONS TO THE
12 RECYCLING MARKET DEVELOPMENT REVOLVING LOAN
13 PROGRAM. CALVIN YOUNG WILL BE PRESENTING THIS
14 ITEM.

15 AS A BRIEF REMINDER TO THE BOARD,
16 THIS ITEM WAS HEARD IN COMMITTEE YESTERDAY. THIS
17 BRINGS TO CONCLUSION THE FIRST 15-DAY COMMENT
18 PERIOD FOLLOWING THE INITIAL 45-DAY COMMENT PERIOD
19 ON THIS REGULATORY PACKAGE. CALVIN.

20 MR. YOUNG: GOOD MORNING. YES, IT'S
21 STILL MORNING. GOOD MORNING, MR. CHAIRMAN AND
22 BOARD MEMBERS. MY NAME IS CALVIN YOUNG WITH THE
23 RECYCLING BUSINESS ASSISTANCE BRANCH.

24 THE ITEM BEFORE YOU TODAY IS
25 CONSIDERATION OF ADOPTION OF CHANGES TO THE

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1 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM
2 REGULATIONS. THE ITEM HAS INDEED COME BEFORE THE
3 COMMITTEE BEFORE ON APRIL 17TH. THE MARKET
4 DEVELOPMENT COMMITTEE HEARD WRITTEN COMMENTS
5 RELATED TO THE 45-DAY COMMENT PERIOD.

6 THERE WERE SOME CHANGES THAT WERE
7 SUGGESTED AND DIRECTED BY THE MARKET DEVELOPMENT
8 COMMITTEE. IT WAS RESUBMITTED FOR A 15-DAY PUBLIC
9 REVIEW PERIOD. THAT COMMENT PERIOD ENDED ON
10 YESTERDAY, THE 27TH. IT WAS HEARD BEFORE THE
11 MARKET DEVELOPMENT COMMITTEE YESTERDAY WITH THEIR
12 DECISION TO PASS ON TO THE BOARD FOR ADOPTION
13 TODAY.

14 I'M JUST GOING TO HIGHLIGHT BRIEFLY,
15 VERY BRIEFLY, THE KEY ELEMENTS OF, ONE, THE
16 RATIONALE FOR GOING OUT FOR THE REGULATION CHANGE
17 INITIALLY, AS WELL AS THE KEY ITEMS ASSOCIATED
18 WITH THE 15-DAY PERIOD.

19 SOME OF THE MAJOR ITEMS THAT WERE
20 PROMPTING THE CHANGED PROGRAM REGULATIONS
21 INITIALLY WERE THE ALLOWING OF A CONTINUOUS INTAKE
22 AND PROCESSING OF LOAN APPLICATIONS AS OPPOSED TO
23 THE PREVIOUS QUARTERLY APPLICATION CYCLE. THAT'S
24 BEEN STRONGLY SUPPORTED BY EVERYONE AS A WAY TO
25 IMPROVE THE TIMING AND THE PROCESSING OF LOAN

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1 APPLICATIONS, INCLUDING WASTE PREVENTION,
2 BASICALLY SOURCE REDUCTION, THAT MR. JONES AND
3 MEMBER CHESBRO WERE SPEAKING ABOUT EARLIER,
4 INCLUDING THAT AS AN ELIGIBLE BUSINESS ACTIVITY
5 UNDER THE LOAN PROGRAM, BASICALLY PUTTING OUR
6 MONEY WHERE OUR MOUTH IS, AS WELL AS BEING ABLE TO
7 TRACK THE BANG FOR THE BUCK. AND INCREASING THE
8 NUMBER OF LOAN COMMITTEE MEMBERS FROM THE CURRENT
9 NUMBER OF SEVEN TO ACCOMMODATE THE ONGOING
10 PROCESSING, TO INCREASE THE NUMBER, AND TO BETTER
11 INSURE A QUORUM OF LOAN COMMITTEE MEMBERS.

12 THE KEY 15-DAY CHANGES WERE THE
13 INCLUSION OF A PROCESS FOR LOAN COMMITTEE
14 CONSIDERATION OF APPLICATIONS THAT WERE NOT
15 RECOMMENDED FOR APPROVAL BY STAFF, ESTABLISHING
16 THE LOAN COMMITTEE MAXIMUM NUMBER OF COMMITTEE
17 MEMBERS AT NINE, AND BASICALLY ESTABLISHING THE
18 QUORUM AS BEING THE MAJORITY OF THOSE MEMBERS,
19 CONFIRMING THAT THE ADDITIONAL PRIORITIES FOR THE
20 LOAN PROGRAM WILL BE REVIEWED ON AN ANNUAL BASIS,
21 AND SETTING IN REGULATION THE PREVIOUS BOARD
22 POLICY THAT LOAN COMMITMENTS ARE GOOD FOR 180
DAYS
23 FROM DATE OF BOARD APPROVAL.

24 AT THE END OF THE 15-DAY PERIOD,
25 STAFF HAS ONLY RECEIVED ONE SET OF PUBLIC

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1 COMMENTS, AND ACTUALLY THOSE COMMENTS REFERRED TO
2 CHANGES IN THE 45-DAY DOCUMENT, NOT SPECIFICALLY
3 THE 15-DAY DOCUMENT. IF YOU WANT, I CAN REVIEW
4 THOSE OR THE COMMITTEE YESTERDAY, YOUR PLEASURE.
5 DO YOU WANT TO HEAR THOSE COMMENTS OR JUST PASS ON
6 SINCE THEY BASICALLY RELATED TO THE 45-DAY?

7 BOARD MEMBER RELIS: I DON'T HAVE ANY
8 NEED.

9 CHAIRMAN PENNINGTON: I DON'T. DO YOU?

10 MR. YOUNG: THERE WAS ALSO AN INTERNAL
11 COMMENT MADE THAT THERE WAS SOME CONCERN EXPRESSED
12 ABOUT A QUESTION ON THE LOAN APPLICATION REGARDING
13 DISCLOSURE OF PREVIOUS CRIMINAL ACTIVITY. THE
14 MARKET DEVELOPMENT COMMITTEE BASICALLY DIRECTED
15 STAFF THAT THE NEXT TIME, NOT TO INCLUDE IT IN
16 CHANGES AT THIS POINT, BUT THAT THE NEXT TIME THAT
17 THE REGULATIONS ARE REVISED, TO TAKE THAT INTO
18 CONSIDERATION AND MAKE APPROPRIATE CHANGES.

19 THAT ESSENTIALLY IS WHAT HAS
20 OCCURRED TO THIS DATE. AT THIS POINT THE
21 COMMITTEE YESTERDAY RECOMMENDED TO THE BOARD

THAT

22 THE BOARD ADOPT THE PROPOSED REGULATIONS. ARE
23 THERE ANY QUESTIONS?

24 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
25 STAFF? ANY QUESTIONS? OKAY. I GUESS THIS

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TAKES

1 TWO --

2 MS. TRGOVCICH: TWO MOTIONS.

3 CHAIRMAN PENNINGTON: -- TWO MOTIONS,
4 CORRECT? WE NEED A MOTION TO EXEMPT US FROM THE
5 CEQA.

6 BOARD MEMBER JONES: MR. CHAIRMAN, I'LL
7 MAKE A MOTION TO EXEMPT US FROM CEQA.

8 BOARD MEMBER RELIS: SECOND.

9 CHAIRMAN PENNINGTON: ALL THOSE -- WILL
10 THE SECRETARY CALL THE ROLL, PLEASE.

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: AYE.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: AYE.

17 BOARD SECRETARY: JONES.

18 BOARD MEMBER JONES: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: AYE.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: AYE. MOTION IS
23 APPROVED.

24 NOW WE NEED A MOTION TO ADOPT THE
25 COMMITTEE RECOMMENDATION.

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1 BOARD MEMBER RELIS: I'LL MOVE THE
2 REGULATIONS, MR. CHAIR.

3 CHAIRMAN PENNINGTON: OKAY. MR. RELIS
4 MOVES ADOPTION OF RESOLUTION NO. 97-211. SECONDED
5 BY MR. FRAZEE. IF THERE'S NO FURTHER DISCUSSION,
6 SECRETARY CALL THE ROLL, PLEASE.

7 BOARD SECRETARY: BOARD MEMBER CHESBRO.

8 BOARD MEMBER CHESBRO: AYE.

9 BOARD SECRETARY: FRAZEE.

10 BOARD MEMBER FRAZEE: AYE.

11 BOARD SECRETARY: GOTCH.

12 BOARD MEMBER GOTCH: AYE.

13 BOARD SECRETARY: JONES.

14 BOARD MEMBER JONES: AYE.

15 BOARD SECRETARY: RELIS.

16 BOARD MEMBER RELIS: AYE.

17 BOARD SECRETARY: CHAIRMAN PENNINGTON.

18 CHAIRMAN PENNINGTON: AYE. MOTION

19 CARRIES.

20 MR. YOUNG: THANK YOU.

21 CHAIRMAN PENNINGTON: WE'LL RECESS UNTIL
22 1:30.

23 (RECESS TAKEN.)

24 CHAIRMAN PENNINGTON: OKAY. ARE WE
25 READY? OKAY. WE'LL RECONVENE THE MAY MEETING OF

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1 THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.
2 ONE, LET ME REMIND EVERYBODY THAT IF YOU WISH TO
3 ADDRESS THE BOARD ON ANY OF THE AGENDIZED ITEMS,
4 THERE ARE SLIPS IN THE BACK TO FILL OUT AND GIVE
5 THEM TO MS. KELLY HERE, WHO WILL MAKE SURE THAT I
6 GET THEM.

7 WE'LL START WITH MR. RELIS. DO YOU
8 HAVE ANY EX PARTES?

9 BOARD MEMBER RELIS: YES. RIGHT AFTER WE
10 ADJOURNED, DENISE DELMATIER AND I DISCUSSED THE
11 SANTA MARIA LANDFILL.

12 CHAIRMAN PENNINGTON: OKAY.

13 BOARD MEMBER FRAZEE: NONE FOR ME.

14 CHAIRMAN PENNINGTON: MR. CHESBRO.

15 BOARD MEMBER GOTCH: ALL CAUGHT UP.

16 CHAIRMAN PENNINGTON: I TOO SPOKE WITH
17 DENISE AT LUNCH ABOUT THE LANDFILL. OKAY.

18 WE'LL GO TO ITEM NO. 40,
19 CONSIDERATION OF A REVISED SOLID WASTE FACILITY
20 PERMIT FOR THE PEBBLY BEACH LANDFILL IN LOS
21 ANGELES.

22 MS. RICE: THANK YOU, MR. CHAIRMAN AND
23 MEMBERS. DON DIER WILL MAKE THE PRESENTATION FOR
24 STAFF.

25 MR. DIER: THANKS, DOROTHY. THIS

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1 FACILITY IS A LANDFILL OUT ON CATALINA ISLAND, SO
2 IT'S NOT LIKE IT HAS, YOU KNOW, A LOT OF OPTIONS
3 ON WHAT THEY CAN DO WITH THEIR WASTE. WHAT
4 THEY'VE DONE FOR A NUMBER OF YEARS IS THEY'VE
5 BURNED THEIR WASTE AND THEN PLACED THE ASH IN THE
6 LANDFILL.

7 THIS REALLY -- THIS PERMIT ACTION
8 IS
9 TO BRING IT UP-TO-DATE. AND AT THE TIME IT WAS
10 HEARD AT COMMITTEE, THERE WERE SOME OUTSTANDING
11 ISSUES WITH REGARD TO CEQA, COVER, OPERATING
12 LIABILITY, AND WHETHER OR NOT THE BURNING AT THE
13 LANDFILL CONSTITUTED TRANSFORMATION.

14 SINCE THE COMMITTEE MEETING, WE
15 HAVE
16 WORKED WITH THE LEA AND INTERNALLY WITH OUR
17 LEGAL
18 OFFICE AND OFFICE OF LOCAL ASSISTANCE ON ALL OF
19 THESE ISSUES AND HAVE RESOLVED THEM TO OUR
20 SATISFACTION. AND STAFF IS ABLE TO RECOMMEND
21 CONCURRENCE IN THE ISSUANCE OF PERMIT NO.
22 19-AA-0061.

23 BE HAPPY TO ANSWER ANY QUESTIONS.
24 I
25 KNOW THERE WAS SOME QUESTIONS OUT OF COMMITTEE
26 ON

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22 TRANSFORMATION, BUT RIGHT NOW WE ARE TREATING
THIS
23 AS OPEN BURNING; AND UNDER THE FEDERAL SUBTITLE
D
24 STANDARDS, THAT OPEN BURNING WILL HAVE TO CEASE
ON
25 OCTOBER 9TH OF THIS YEAR.

1 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
2 STAFF? OKAY.

3 BOARD MEMBER JONES: ANYBODY SPEAKING?
4 NOBODY SPEAKING ON THAT?

5 CHAIRMAN PENNINGTON: NOT ON 40, NO.

6 MR. DIER: NO. THE LEA AND THE
OPERATOR

7 ARE NOT HERE TODAY. THE OPERATOR IS HERE.

8 CHAIRMAN PENNINGTON: DOES THE OPERATOR
9 WANT TO ADDRESS US?

10 THE OPERATOR: NOT REALLY.

11 BOARD MEMBER JONES: MR. CHAIRMAN, I'LL
12 MAKE A MOTION THAT WE ACCEPT PERMIT --

13 MR. DIER: WE DON'T HAVE A RESOLUTION
14 NUMBER.

15 BOARD MEMBER JONES: HOW ABOUT FOR
PERMIT

16 19-AA-61.

17 MR. DIER: THAT WILL WORK.

18 BOARD MEMBER JONES: CONCURRENCE WITH
THE

19 REVISED PERMIT.

20 CHAIRMAN PENNINGTON: OKAY. MR. JONES
21 HAS MOVED.

22 BOARD MEMBER FRAZEE: I'LL SECOND.

23 CHAIRMAN PENNINGTON: MR. FRAZEE

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SECONDS .

24 IF THERE'S NO FURTHER DISCUSSION, WILL THE
25 SECRETARY CALL THE ROLL.

1 BOARD SECRETARY: BOARD MEMBER CHESBRO.
2 BOARD MEMBER CHESBRO: AYE.
3 BOARD SECRETARY: FRAZEE.
4 BOARD MEMBER FRAZEE: AYE.
5 BOARD SECRETARY: GOTCH.
6 BOARD MEMBER GOTCH: AYE.
7 BOARD SECRETARY: JONES.
8 BOARD MEMBER JONES: AYE.
9 BOARD SECRETARY: RELIS.
10 BOARD MEMBER RELIS: AYE.
11 BOARD SECRETARY: CHAIRMAN PENNINGTON.
12 CHAIRMAN PENNINGTON: AYE. MOTION
13 CARRIES.
14 NOW, ITEM NO. 41, CONSIDERATION OF A
15 REVISED SOLID WASTE FACILITY PERMIT FOR THE SANTA
16 MARIA CITY LANDFILL IN SANTA BARBARA COUNTY.
17 MS. RICE: THANK YOU, MR. CHAIRMAN.
18 TERRY SMITH WILL MAKE THE PRESENTATION FOR STAFF
19 ASSISTED BY MIKE SCHMAELING WITH THE LOCAL
20 ENFORCEMENT AGENCY.
21 MR. SMITH: AFTERNOON. THE P&E COMMITTEE
22 HEARD THIS ITEM THE 13TH OF THIS MONTH AND VOTED
23 THREE TO OH TO FORWARD THIS PERMIT TO THE BOARD
24 WITH A RECOMMENDATION OF OBJECTION.
25 CONCURRENCE WITH THE SANTA MARIA

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1 CITY LANDFILL PERMIT REVISION WILL INCORPORATE
2 OPERATIONAL AND DESIGN CHANGES THAT HAVE OCCURRED
3 AND ARE PLANNED AT THE LANDFILL SINCE THE ISSUANCE
4 OF THE EXISTING 1978 SOLID WASTE FACILITY PERMIT.
5 SIGNIFICANT CHANGES INCLUDE AN INCREASE IN TONNAGE
6 FROM 200 TO 740 TONS PER OPERATING DAY, ADDITION
7 OF WOODWASTE PROCESSING, ESTABLISHMENT OF A
8 DESIGNATED AREA FOR STORAGE AND BALING OF WHITE
9 GOODS, ESTABLISHMENT OF A DESIGNATED AREA FOR THE
10 RECEIPT AND DISPOSAL OF NONFRIABLE ASBESTOS, THE
11 ADDITION OF HOUSEHOLD HAZARDOUS WASTE COLLECTION
12 FACILITY FOR THE STORAGE AND TEMPORARY HOLDING OF
13 HAZARDOUS WASTE, THE ADDITION OF A LANDFILL GAS
14 EXTRACTION SYSTEM AND MONITORING SYSTEM, AND A
15 VERTICAL EXPANSION OF THE SITE FROM 325 FEET TO
16 340 FEET ABOVE MEAN SEA LEVEL.

17 DURING THE JOINT LEA BOARD STAFF
18 PREPERMIT INSPECTION OF MARCH 11TH OF THIS YEAR,
19 ONE VIOLATION OF STATE MINIMUM STANDARDS FOR
20 EXPLOSIVE GASES WAS DOCUMENTED. ELEVATED GAS
21 LEVELS OF METHANE WERE DISCOVERED AT THE LANDFILL
22 PROPERTY BOUNDARY IN 1994 WHEN PERIMETER GAS
23 MONITORING PROBES WERE INSTALLED.

24 TITLE 14 PROHIBITS THE CONCENTRATION
25 OF METHANE GAS TO EXCEED 5 PERCENT BY VOLUME, THE

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1 LOWER EXPLOSIVE LIMIT, AT THE PROPERTY BOUNDARY.
2 THE OPERATOR HAS DESIGNED, CONSTRUCTED, AND IS NOW
3 OPERATING A GAS CONTROL SYSTEM WHICH CONSISTS OF
4 22 GAS EXTRACTION WELLS, A BLOWER, AND A FLARE.
5 THE SYSTEM WAS PUT ON-LINE JANUARY OF 1997.

6 GAS CONCENTRATIONS IN THE PERIMETER
7 MONITORING PROBES HAVE DECREASED IN TEN OF THE
8 FIFTEEN PROBES -- MONITORING PROBES SINCE THE
9 CONTROL SYSTEM WENT ON-LINE.

10 IN JULY OF 1994, THE BOARD APPROVED
11 PROCEDURES FOR PROCESSING PERMITS WITH LONG-TERM
12 VIOLATIONS. THE LEA AND BOARD STAFF HAVE
13 DETERMINED THAT THIS FACILITY MEETS THAT APPROVED
14 CRITERIA.

15 THE LEA HAS ENTERED INTO A STIPU-
16 LATED NOTICE AND ORDER OF COMPLIANCE AND AGREEMENT
17 WITH THE OPERATOR WHICH REQUIRES THE OPERATOR TO
18 REDUCE THE METHANE LEVELS BELOW THE REGULATORY
19 LIMIT BY DECEMBER 31, 1998, AND ALSO TO INSTALL
20 ADDITIONAL MONITORING PROBES NEAR THE SCALE HOUSE
21 AND THE OCCUPIED OFFSITE TRAILER AND TO MONITOR
22 MONTHLY AS OPPOSED TO QUARTERLY.

23 THE OPERATOR IS DEMONSTRATING A GOOD
24 FAITH EFFORT BY MAKING PROGRESS TOWARD CORRECTING
25 THE VIOLATIONS AND TAKING STEPS TO PROTECT PUBLIC

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1 HEALTH AND SAFETY AND THE NEARBY RESIDENT.

2 ISSUES HAVE ALSO ARISEN REGARDING
3 THE PROPOSED VERTICAL EXPANSION BECAUSE WASTE
4 DISCHARGE REQUIREMENTS ISSUED BY THE CENTRAL COAST
5 REGIONAL WATER QUALITY CONTROL BOARD CURRENTLY
6 RESTRICT THE LANDFILL'S MAXIMUM ELEVATION TO A
7 HEIGHT OF 325 FEET ABOVE MEAN SEA LEVEL. THE
8 WATER BOARD'S APPROVAL OF THE PROPOSED VERTICAL
9 EXPANSION IS CONTINGENT UPON THE OPERATOR'S
10 COMPLIANCE WITH A CLEANUP AND ABATEMENT ORDER NO.
11 96-27.

12 ACCORDING TO THE REGIONAL WATER
13 QUALITY CONTROL BOARD, THE CITY HAS MADE
14 SIGNIFICANT PROGRESS IN COMPLYING WITH THE CLEANUP
15 AND ABATEMENT ORDER; HOWEVER, THE PROCESS IS STILL
16 UNDER WAY.

17 PUBLIC RESOURCES CODE 44009(B)
18 STATES THAT THE BOARD IS NOT REQUIRED TO CONCUR OR
19 OBJECT TO THE ISSUANCE OF A PERMIT IF THE FACILITY
20 IS NOT IN COMPLIANCE WITH AN ENFORCEMENT ORDER
21 ISSUED BY THE WATER BOARD.

22 THE AGENCY -- OR THE AGENDA ITEM FOR
23 THIS ITEM ERRONEOUSLY STATES THAT THE FACILITY IS
24 OUT OF COMPLIANCE WITH CORRECTIVE ACTION ORDER
25 ISSUED BY THE REGIONAL WATER QUALITY CONTROL

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1 BOARD. DURING STAFF'S MOST RECENT CONVERSATIONS
2 WITH THE REGIONAL BOARD, WE WERE INFORMED THAT THE
3 FACILITY IS IN COMPLIANCE WITH THE CLEANUP AND
4 ABATEMENT ORDER.

5 CONCURRENCE WITH THE ISSUANCE OF
6 THIS PERMIT WILL NOT PROVIDE THE OPERATOR WITH
7 LEGAL AUTHORITY TO EXCEED ANY LIMITS IMPOSED UPON
8 THE FACILITY BY ANY OTHER APPLICABLE REGULATORY
9 AGENCY. THE OPERATOR IS OBLIGATED TO COMPLY WITH
10 THE MOST RESTRICTIVE LIMITING PERMIT, LICENSE, OR
11 ORDER.

12 COMMITTEE MEMBERS WERE CONCERNED
13 THAT THE CLOSURE FUND WOULD BE DEFICIENT IF THE
14 WATER BOARD DID NOT APPROVE LANDFILLING ABOVE 325
15 FEET. THE REASON FOR THEIR CONCERN WAS THAT THE
16 REQUIRED ANNUAL DEPOSIT WAS BASED ON A CAPACITY
17 ASSOCIATED WITH THE LANDFILL GOING TO THE 340
FOOT
18 ELEVATION.

19 SINCE THE COMMITTEE MEETING, THE
20 LEA, THE OPERATOR, AND BOARD STAFF HAVE WORKED
21 TOGETHER TO COME UP WITH A PERMIT CONDITION THAT
22 ADDRESSES THE P&E MEETING'S CONCERNS. CONDITION
23 O, AS IN OKAY, NOT OBJECTION, IS ON THE THIRD
PAGE
24 OF THE PERMIT. THIS PERMIT IS BEING PASSED OUT

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25 RIGHT NOW.

1 THE CONDITION REQUIRES THE OPERATOR
2 TO MAKE ANNUAL DEPOSITS TO THE CLOSURE FUND AT A
3 RATE THAT UTILIZES THE CAPACITY ASSOCIATED WITH
4 CLOSURE AT 325 FEET MEAN SEA LEVEL UNTIL THE 340-
5 FOOT HEIGHT IS APPROVED BY APPLICABLE AGENCIES.
6 THIS INCREASES THE CITY'S ANNUAL DEPOSIT, WHICH IS
7 DUE SEPTEMBER THE 18TH, 1997, BY APPROXIMATELY
8 \$305,000.

9 AFTER ANALYZING THE PROPOSED PERMIT
10 AND SUPPORTING DOCUMENTS, THE LEA AND BOARD STAFF
11 HAVE DETERMINED THAT THE LANDFILL MEETS ALL THE
12 REQUIREMENTS NECESSARY TO OBTAIN A REVISED SOLID
13 WASTE FACILITY PERMIT. THE PERMIT IS CONSISTENT
14 WITH STATE MINIMUM STANDARDS; IT IS CONSISTENT
15 WITH THE CITY OF SANTA MARIA'S GENERAL PLAN LAND
16 USE ELEMENT; IT IS IN CONFORMANCE WITH THE SANTA
17 BARBARA COUNTY SOLID WASTE MANAGEMENT PLAN; AND
18 CEQA REQUIREMENTS HAVE BEEN SATISFIED.

19 STAFF HAVE DETERMINED THAT THE
20 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION ARE
21 ACCEPTABLE FOR THE BOARD'S CONSIDERATION. STAFF
22 RECOMMEND THAT THE BOARD ADOPT PERMIT DECISION NO.
23 97-177, CONCURRING WITH THE ISSUANCE OF SOLID
24 WASTE FACILITY PERMIT NO. 42-AA-0016.

25 THE LEA, MR. MIKE SCHMAELING, IS

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1 HERE AND WOULD LIKE TO SAY A FEW WORDS. CITY
2 REPRESENTATIVES ARE ALSO HERE AND WILL BE MAKING
3 PRESENTATIONS SHORTLY. THIS CONCLUDES STAFF
4 PRESENTATION.

5 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF
6 OR DO YOU WANT HEAR THE LEA FIRST? LET'S HEAR THE
7 LEA.

8 MR. SCHMAELING: OKAY. AFTER THE P&E
9 COMMITTEE MEETING, WE ADDRESSED THE REASONS FOR
10 NONCONCURRENCE IN THE PERMIT THAT YOU HAVE BEFORE
11 YOU. I HAD ORIGINALLY INCLUDED SOME LANGUAGE IN
12 PREVIOUS PERMITS OR DRAFT APPLICATION OR PREVIOUS
13 DRAFT PERMITS, BUT LEGAL STAFF HAD SOME PROBLEMS
14 WITH INCLUDING WATER BOARD LANGUAGE IN THERE.

15 WE WORKED HARD AND FURIOUS OVER THE
16 LAST WEEK IN TRYING TO GET LANGUAGE THAT WOULD
17 ADDRESS P&E COMMITTEE'S CONCERNS, LEGAL STAFF'S
18 CONCERNS, THE LEA'S CONCERNS, STAFF'S CONCERNS,
19 AND THE CITY'S CONCERNS. I THINK WE WERE
20 SUCCESSFUL IN DOING THAT.

21 IF YOU WILL SEE CONDITION O,
22 MENTIONING THE WATER BOARD WAS TAKEN OUT OF THERE
23 BY LEGAL STAFF'S RECOMMENDATION, BUT WE DO
24 SPECIFICALLY CALL FOR THE SITE TO BE FUNDED AT
THE
25 325 UNTIL WE ACHIEVE COMPLIANCE WITH THE WATER

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1 BOARD REQUIREMENTS.

2 THE LANGUAGE WAS DEVELOPED SO THAT
3 FUNDING, AS I SAID, WAS AT 210 AND 325 FEET TO
4 ADDRESS OUR CONCERNS. LANGUAGE ON PAGE 1 JUST
5 BELOW THE GRAPH, ITEM E, THE KEY PARAMETERS, AS
6 TERRY HAD MENTIONED, ALSO PROHIBITS THEM FROM
7 GOING TO 340 FEET UNTIL -- IF THERE'S ANY ORDERS
8 THAT HAVE NOT BEEN COMPLIED WITH. AND IF THE
9 WATER BOARD WAS TO SAY NO TO THAT, I CAN ASSURE
10 THE BOARD THAT I, AS THE LEA, WOULD BE DOING A
11 FIVE-YEAR PERMIT REVIEW AND REQUIRING THEM TO
12 REVISE THEIR DOCUMENTS TO REFLECT THE 325 FEET
FOR
13 BOTH THE CLOSURE DOCUMENTS, FOR THE RDSI, AND
14 FINANCIAL MECHANISMS.

15 THE PROBLEM -- SOME OF THE PROBLEMS
16 WE WERE INVOLVED IN WAS STAYING WITHIN THE BOUNDS
17 AND LIMITS THAT THE LEA ENFORCEMENT ROLE HAS.

BUT

18 AS AN ENVIRONMENTAL HEALTH OFFICER, WHICH CARRIES
19 WITH IT OTHER RESPONSIBILITIES BESIDES WHAT JUST
20 THE LEA HAS, I WANT TO ASSURE THE BOARD THAT I
21 WILL ALSO BE LOOKING AT THE WATER QUALITY

MONITOR-

22 ING REPORTS TO BE SURE AND WORKING IN CLOSE
23 ASSOCIATION WITH THE WATER BOARD BASICALLY WITH

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24 THE INTENT OF AB 1220, THAT WE DO WORK IN
25 PARTNERSHIP AND NOT WITH SPECIFICALLY
PIGEONHOLED-

1 TYPE THINGS.

2 SANTA BARBARA COUNTY WILL CONTINUE
3 TO BE COMMITTED TO A STRONG BUT FAIR ENFORCEMENT
4 ROLE OVER THIS FACILITY AND ALL FACILITIES IN OUR
5 COUNTY.

6 THERE'S A STIPULATED ORDER ISSUED ON
7 THE FACILITY TO GO AHEAD AND PURSUE PHASE II OF
8 THE GAS COLLECTION SYSTEM. THEY'RE COMPLYING WITH
9 THAT TIME LINE AND THE INSTALLATION OF THAT
10 SYSTEM. AND I WILL CONTINUE, AS I MENTIONED
11 BEFORE, STRINGENT INSPECTIONS TO BE SURE THAT THEY
12 COMPLY WITH OTHER ASPECTS.

13 MY UNDERSTANDING OF THE WATER
14 ISSUES, WDR LANGUAGE SPECIFICALLY SAID IT WAS 325
15 FEET. WITH THE APPROVAL OF THE ENFORCEMENT
16 OFFICER, THEY CAN GO TO 340 FEET. ALL THE
17 DOCUMENTS, CLOSURE DOCUMENTS, HAVE BEEN DESIGNED
18 FOR THAT 340 FEET.

19 THERE COULD BE SOME PROBLEMS IF THEY
20 WERE TO GO TO 325 FEET WITH ACHIEVING THE PROPER
21 SLOPES REQUIRED ON THE SITE. THE SANTA MARIA
22 LANDFILL ENGINEER WILL DISCUSS THAT IN MORE
23 DETAIL.

24 THE CAO THAT'S BEEN ISSUED AGAINST
25 THE FACILITY, I KNOW THE WATER BOARD SPOKE IN

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1 FRONT OF THE P&E COMMITTEE, AND I THINK THERE WAS
2 SOME CONFUSION AFTER HE SPOKE OR WHILE HE WAS
3 SPEAKING. I'LL TRY TO CLARIFY THAT IF I CAN. THE
4 FACILITY IS -- DOES HAVE A CAO AND THEY WILL BE IN
5 VIOLATION OF THEIR WDR'S UNTIL THAT CAO IS
6 REMOVED, BUT THEY ARE IN COMPLIANCE WITH THE
7 GUIDELINES AND THE TIME LINES IN THAT CAO.

8 CLOSURE OF THE INACTIVE AREA --
9 THERE WERE SEVERAL OTHER ISSUES THAT THEY HAVE
10 BEEN WORKING WITH AND THE WATER BOARD. ONE OF
11 THOSE WAS THE CLOSURE OF THE INACTIVE AREA.

EVEN

12 THOUGH THE SITE, IT'S STILL PART OF THE
BOUNDARY

13 OF THE SITE, THEY'RE GOING AHEAD AND DOING A
14 ROLLING CLOSURE ON THE SITE SO THE INACTIVE
AREA

15 IS CURRENTLY BEING CLOSED.

16 THE INCLUSION OF THE FUTURE AREA
17 WILL NOT BE UTILIZED, AND CONSEQUENTLY THEY
NEEDED

18 TO GO TO THE 340 FEET IN ORDER TO GET THE
PROPER

19 SLOPES ON THAT AREA.

20 AND THEN JUST REAL BRIEFLY,
SANTA

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21 MARIA HAS MADE -- THE CITY OF SANTA MARIA HAS
MADE

22 MANY IMPROVEMENTS OVER THE LAST FIVE YEARS. I

23 KNOW THAT DURING THE P&E COMMITTEE SOME OLD
MEMOS

24 WERE PULLED OUT FROM '91, '89, THEREABOUTS;

BUT IN

25 THE LAST THREE YEARS, AFTER MY PRODDING,
THEY'VE

1 ACQUIRED A FULL-TIME ENGINEER STRICTLY FOR THE
2 LANDFILL. ADDITIONAL LITTER FENCING HAS BEEN
3 PURCHASED AND IS BEING UTILIZED TO ITS FULLEST
4 EXTENT. THEY HAVE A MUCH SMALLER WORKING FACE NOW
5 THAN THEY HAVE IN THE PAST. THE RIVER WHICH FLOWS
6 NEARBY HAS BEEN DIVERTED SO THAT IT'S FARTHER AWAY
7 FROM THE LANDFILL. ALSO, THE TIMING AND RELEASES
8 FROM THE RESERVOIR, WHICH IS UP AND BEHIND IT, IS
9 ALSO BEING CONTROLLED TO PREVENT THE AMOUNT OF
10 GROUNDWATER INTRUSION THAT'S GOING IN UNDERNEATH
11 THE LANDFILL.

12 THEY HAVE A STATE-OF-THE-ART
13 HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY NOW.
14 IT'S PROBABLY ONE OF THE NICEST IN THE STATE FROM
15 MY OPINION. THEY HAVE A VERY EXTENSIVE LOAD CHECK
16 PROGRAM, AND THEIR STAFF IS MEETING ALL THE
17 TRAINING REQUIREMENTS BOTH FOR HAZARDOUS WASTE
18 RECOGNITION AND SITE SAFETY REQUIREMENTS, AND THEY
19 ALSO HAVE SOME NEW EQUIPMENT TO MEET PROPER
20 COMPACTION. AND THE CITY IS COMMITTED TO WORKING
21 WITH ME, THE LEA, AND MEETING ALL STATE MINIMUM
22 STANDARDS. ANY QUESTIONS?

23 CHAIRMAN PENNINGTON: QUESTIONS? MRS.
24 GOTCH.

25 BOARD MEMBER GOTCH: THIS WAS ACTUALLY

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1 HANDED OUT, I GUESS, BY THE CITY OF SANTA MARIA.
2 UNDER HISTORY AND OPERATIONS, RIGHT NOW IT SAYS
3 THAT THE LANDFILL IS RECEIVING BETWEEN 300 AND 400
4 TONS A DAY. AND I'M WONDERING WHY THE INCREASE UP
5 TO 740, I BELIEVE IS, TONS PER DAY. IT'S QUITE A
6 JUMP WHEN WE'RE NOT ANYWHERE NEAR THAT AMOUNT
7 RIGHT NOW.

8 MR. SCHMAELING: THE CITY HAS DURING SOME
9 BUDGET CONSTRAINT TIMES GONE TO DOWN DAYS WHERE
10 THEY WOULD COMPLETELY SHUT DOWN THE CITY. AND
11 WITH THE ISSUES THAT WE WERE FEELING A FEW YEARS
12 AGO ABOUT NOT HAVING THE AVERAGES, BUT HAVING
13 SPECIFIC NUMBERS WITH THE LIMITS, THEY OPTED TO GO
14 WITH THAT 750 SO THAT ON THAT PEAK DAY AFTER A
15 DOUBLE -- AFTER A DOWN DAY, THEY WOULD HAVE TWICE
16 THE WASTE THAT THEY HAD TO PICK UP AND, THEREFORE,
17 THEY WANTED TO BE ABLE TO TAKE CARE OF THAT SPIKE
18 IN THEIR PERMIT.

19 BOARD MEMBER GOTCH: THANKS.

20 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
21 NO OTHER QUESTIONS, WE'LL MOVE ON TO THE PUBLIC
22 TESTIMONY. FIRST IS MIKE HOOVER.

23 MR. HOOVER: CHAIRMAN PENNINGTON, MEMBERS
24 OF THE BOARD, MY NAME IS MICHAEL HOOVER. I APPEAR
25 BEFORE YOU TODAY ON BEHALF OF SANTA MARIA TRANSFER

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1 INCORPORATED AND ITS PRINCIPAL, MR. CRAIG PALONEN.
2 I HAVE A CAREER AS A CONSULTANT IN SANTA BARBARA,
3 AND I APPEAR BEFORE YOU TODAY IN THAT REGARD. I'M
4 A CERTIFIED HYDROGEOLOGIST AND REGISTERED
5 GEOLOGIST, AND I HAVE BEEN HIRED, AND MY FIRM HAS
6 BEEN HIRED, HOOVER & ASSOCIATES, TO REPRESENT
7 SANTA MARIA TRANSFER.

8 YOU SHOULD ALSO REMEMBER THAT I
9 APPEARED BEFORE YOU A YEAR OR SO AGO ON BEHALF OF
10 MY WIFE'S FAMILY. I HAVE AN OBLIGATION TO MANAGE
11 THAT LANDFILL FOR THEM, AND IN THAT REGARD I NEED
12 TO DISCLOSE TO YOU THAT THAT IS A POTENTIAL
13 CONFLICT SINCE THESE LANDFILLS ARE WITHIN DRIVING
14 DISTANCE OF ONE ANOTHER.

15 I WILL BE REFERRING TODAY TO SOME
16 HANDOUTS. MOST OF THIS INFORMATION YOU HAVE
17 ALREADY SEEN, I THINK, WITH ONE EXCEPTION. THEY
18 ARE CONTAINED IN THE VOLUMINOUS DOCUMENTS YOU'VE
19 PROBABLY BEEN REVIEWING, AND I'VE TRIED TO BREAK
20 IT DOWN INTO SIX OR EIGHT ILLUSTRATIONS THAT FOCUS
21 ON THE ISSUES BEFORE YOU TODAY.

22 THERE ARE FOUR POINTS THAT I WOULD
23 LIKE TO MAKE TO YOU. ONE, THAT THIS FACILITY IS
24 OUT OF COMPLIANCE WITH THE CLEANUP AND ABATEMENT
25 ORDER AND THE WASTE DISCHARGE ORDER. SECOND, THAT

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1 AS WE SIT HERE TODAY, FACILITY FAILS TO MEET
2 MINIMUM STATE STANDARDS. MINIMUM STATE STANDARDS
3 VIOLATIONS ARE WITH RESPECT TO THE GAS PROBLEM AND
4 ALSO THE CURRENT AMOUNT OF MONEY IN THE FINANCIAL
5 ASSURANCE CLOSURE FUND. THIRD, THAT ALTHOUGH THIS
6 BOARD HAS FROM TIME TO TIME GRANTED NEW PERMITS TO
7 OPERATORS WHOSE SITES FAIL TO MEET MINIMUM
8 STANDARDS, THAT AN EXCEPTION IS NOT WARRANTED IN
9 THIS CASE DUE TO THE FACT THAT MANY OF THE
10 VIOLATIONS THAT THIS LANDFILL HAS WERE IDENTIFIED
11 YEARS AGO AND HAVE NOT BEEN REMEDIED. AND FOURTH,
12 THAT BY OBJECTING TO THIS PERMIT, YOU CAN DEFER
13 BOARD ACTION ON THE VERTICAL EXPANSION UNTIL THE
14 VIOLATIONS ARE REMEDIED AND DEAL WITH THIS ISSUE
15 AT ANOTHER DATE.

16 LET'S FIRST TALK ABOUT THE CLEANUP
17 AND ABATEMENT ORDER. I GUESS I'M GETTING BOUNCED
18 BACK AND FORTH. I TALKED TO THE WATER BOARD
19 YESTERDAY AFTERNOON AND I HEAR THAT THEY'RE NOT IN
20 COMPLIANCE WITH THE ORDER. I HEAR FROM YOUR STAFF
21 THAT THEY ARE. I READ A LETTER DATED MAY 2D,
22 WHICH IS INCLUDED AS ILLUSTRATION NO. 1 IN YOUR
23 PACKET, AND THAT LETTER IS THE LAST INFORMATION
24 THAT'S BEEN PLACED ON THE RECORD BY THE WATER
25 BOARD. THERE WAS NOTHING SAID AT P&E COMMITTEE

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1 HEARING BY THE WATER BOARD THAT CONTRADICTED THAT,
2 AND IT SAYS, "AT THIS POINT WE WILL NOT CONSIDER
3 APPROVAL OF THE VERTICAL EXPANSION UNTIL FULL
4 COMPLIANCE WITH CLEANUP AND ABATEMENT ORDER IS
5 ACCOMPLISHED." THAT'S PRETTY CLEAR TO ME.

6 LET'S LOOK AT THAT A LITTLE MORE
7 CAREFULLY AND SEE WHY THEY'RE OUT OF COMPLIANCE
8 WITH THE CAO SINCE CERTAINLY THAT DOES AFFECT THE
9 60-DAY TIME LIMIT DURING WHICH THE BOARD IS
10 NORMALLY REQUIRED TO ACT. AND SO LET'S LOOK AT IT
11 IN THAT CONTEXT.

12 I SHOULD ALSO LIKE TO REMIND YOU
13 THAT THE VERTICAL EXPANSION IS INCLUDED ON THE
14 FACE OF THE PERMIT THAT'S BEFORE YOU. THAT 340
15 INCLUDES THE VERTICAL EXPANSION. OKAY.

16 ILLUSTRATION 3, I'M GOING TO TAKE
A
17 COUPLE OF THESE OUT OF SEQUENCE AND I APOLOGIZE
18 FOR THAT. IF YOU FLIP AHEAD TO ILLUSTRATION 3,
19 YOU WILL SEE THE CLEANUP AND ABATEMENT ORDER IN
20 ITS ENTIRETY. IF YOU GO TO, I THINK IT'S, PAGE
3
21 OF THAT ORDER AND LOOK DOWN ABOUT THE THIRD
FROM
22 THE BOTTOM, YOU WILL SEE A 4-E. I THINK AT THE

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23 BOTTOM OF MY PAGE, I CALL IT ILLUSTRATION 2-B.
24 AND IF YOU LOOK AT THAT, IT SAYS THE PMDP SHALL
25 ADDRESS BOTH VERTICAL AND HORIZONTAL MIGRATION
OF

1 THE ENTIRE PLUME. OKAY. THAT'S PRETTY CLEAR.
2 IF YOU LOOK AT ILLUSTRATION NO.
3,
4 YOU WILL SEE THAT THE CITY'S CORRECTIVE ACTION
5 PLAN, WHICH IS A DOCUMENT THAT'S ABOUT FIVE
WEEKS
6 OLD, I'VE GOT A QUOTE IN THERE, AND IT SAYS
THERE
7 ARE INSUFFICIENT DATA AT PRESENT TIME TO
DETERMINE
8 THE LATERAL EXTENT OF THE GROUNDWATER
CONTAMINA-
9 TION. SO WHAT THE STATE'S REQUIRING HIM TO DO
IS
10 FIND OUT HOW FAR THIS CONTAMINATION GOES, AND
WHAT
11 IT'S SAYING IN THEIR PLAN IS WE HAVEN'T DONE
THAT
12 YET. WE DON'T KNOW HOW FAR IT GOES. WE DON'T
13 KNOW THE LATERAL EXTENT.
14 AND I THINK IF YOU WILL PUT THOSE
15 THINGS TOGETHER, YOU CAN SEE THAT THEY'RE
REQUIRED
16 BY THE WASTE DISCHARGE ORDER TO DETERMINE THE
LATERAL EXTENT OF THE PLUME, AND BY CLEANUP AND

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17 ABATEMENT ORDER, IT'S BEING SAID THAT THEY
HAVEN'T

18 DONE IT. AND IN THEIR OWN REPORTS IT'S BEING
SAID

19 THAT THEY HAVEN'T DONE IT.

20 NOW, I CAN WADE THROUGH A WHOLE
21 BUNCH OF DATA WITH YOU THAT PROBABLY DON'T NEED
TO

22 DO TODAY, BUT I HAVE INFORMATION THAT WILL

23 INDICATE TO YOU THAT WELLS THAT ARE

APPROXIMATELY

24 HALF A MILE DOWNGRADIENT FROM THE LANDFILL

CONTAIN

25 CONTAMINANTS THAT ARE SEVEN TIMES THE DRINKING

1 WATER STANDARD. THAT IN OUR BUSINESS TELLS YOU
2 THEY HAVEN'T ASSESSED THE LATERAL EXTENT OF THE
3 PLUME.

4 IN ILLUSTRATION 6, IF YOU WILL SKIP
5 AHEAD, THERE ARE A NUMBER OF QUOTES THAT I
6 PRESENTED TO YOU. NONE OF THOSE QUOTES ARE
7 ANYTHING THAT I PREPARED. I SIMPLY PULLED THEM
8 OUT OF DOCUMENTS. AND AGAIN, I DON'T WANT TO
9 BURDEN YOU WITH READING ALL OF THAT INFORMATION.
10 WE READ IT AT THE P&E COMMITTEE. MOST OF IT IS IN
11 THE PACKETS THAT I'VE PREVIOUSLY GIVEN YOU.

12 AND WHAT YOU SHOULD GLEAN FROM THAT
13 IS THAT AT THIS SITE THERE IS STILL A PROBLEM WITH
14 GROUNDWATER POLLUTION, THERE IS A LEACHATE RELEASE
15 TO GROUNDWATER, THERE IS INFILTRATION OF RAINWATER
16 THROUGH THE DAILY AND INTERIM COVER, AND THERE
17 CERTAINLY APPEARS TO BE WASTE SUBMERGED IN
18 GROUNDWATER, AS WE SIT HERE TODAY OR CERTAINLY IN
19 THE LAST THREE OR 4 MONTHS. DURING THE RAINY
20 SEASON THE LATTER IS TRUE.

21 YOU SHOULD ALSO KNOW THAT THE
22 VERTICAL EXPANSION IS OVER TOP OF AN AREA THAT IS
23 SUBMERGED IN GROUNDWATER ACCORDING TO THE MOST
24 RECENT CITY DOCUMENTS. AND THOSE ARE THE
25 DOCUMENTS IN ILLUSTRATION NO. 6. MOST PEOPLE'S

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1 OPINION IS WHEN THE GROUNDWATER COMES UP INTO THE
2 WASTE, IT COMES IN CONTACT WITH THE LEACHATE, AND
3 THE LEACHATE IS CARRIED DOWNGRADIENT. THAT'S
4 CERTAINLY ONE WAY YOU CAN GET LEACHATE INTO THE
5 GROUNDWATER.

6 THAT'S A WATER BOARD ISSUE IN PART,
7 BUT YOU SHOULD ALSO KNOW THAT CONDITION C-5 OF THE
8 PERMIT YOU ARE BEING ASKED TO CONCUR WITH
9 PRECLUDES OFF-SITE LEACHATE MIGRATION.

10 NOW, HOW IS IT -- HOW LIKELY IS IT
11 THAT ALL OF THIS IS GOING TO BE RESOLVED IN SHORT
12 ORDER? I WOULD SUBMIT TO YOU THAT THE RESOLUTION
13 OF THE GROUNDWATER IN THE WASTE, WHICH CAUSES THE
14 LEACHATE MIGRATION PROBLEM IN PART, WAS GOING TO
15 BE RESOLVED BY THE CHANNELIZATION OF THE RIVER
16 THAT MR. SCHMAELING REFERRED TO.

17 I THINK IF YOU LOOK AT ILLUSTRATION
18 NO. 7, IT WILL KIND OF GIVE YOU A FEEL FOR THE
19 LAYOUT -- THAT'S 8. THAT'S OUT OF THEIR GROUND-
20 WATER INTRUSION PREVENTION PLAN. I CAN PULL THE
21 WHOLE PAGE OUT AND THE WHOLE REPORT OUT FOR YOU.
22 I'VE GOT IT IN MY FILE. TRUST ME, WHAT IT SAYS IS
23 THEY'RE GOING TO CHANNELIZE THE RIVER. MR.

24 SCHMAELING CONFIRMED THAT.

25 IF YOU LOOK AT ILLUSTRATION 8, IF

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1 YOU HAVEN'T BEEN TO THIS SITE, THE LANDFILL IS IN
2 THE MIDDLE OF THE PAGE, IT'S TURNED -- IT'S THE
3 SLASH MARKS. THE RIVER IS IMMEDIATELY ADJACENT TO
4 THE LANDFILL. I DON'T THINK ANY OF THAT'S
5 DISPUTED. THE DARK LINE IS THE RIVER WHEN IT
6 FLOWS UP AGAINST THE LANDFILL. AND IF YOU LOOK
7 WHERE THE WORDING "SANTA BARBARA COUNTY/SAN LUIS
8 OBISPO COUNTY" IS, THAT'S WHERE THEY'D LIKE THE
9 RIVER TO BE IN MY UNDERSTANDING OF THE SITUATION.
10 THEY WANT IT FURTHER AWAY FROM THE LANDFILL. AND
11 CERTAINLY THAT IS ONE THING THAT IS A REASONABLE
12 THING TO DO IF YOU'VE GOT WATER IN THE WASTE.

13 THE PROBLEM IS THAT WE -- MY
14 CONVERSATIONS WITH THE WATER BOARD INDICATE THAT
15 THEY MOVED ABOUT 50,000 YARDS, CREATED A NEW
16 CHANNEL LAST YEAR; AND WITHIN ABOUT THREE MONTHS
17 OF THE TIME THE RAIN STARTED, THE RIVER JUMPED OUT
18 OF THE CHANNEL, WAS FLOWING BANK TO BANK. AND
19 THEN BY MARCH, IF YOU LOOK AT ILLUSTRATION NO. 9,
20 YOU WILL SEE THAT THE DEPTHS TO WATER WERE 20 SOME
21 ODD FEET TO 30 SOME ODD FEET BELOW GROUND SURFACE.

22 NOW, NO ONE KNOWS FOR SURE HOW DEEP
23 THE WASTE IS BECAUSE THE CITY HADN'T DONE THE
24 STUDIES THAT THEY'VE BEEN ASKED TO DO TO FIGURE
25 OUT THE DEPTH TO WASTE. THE BEST GUESS IS IT'S 20

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1 TO 30 FEET. IF YOU LOOK AT THEIR CONSULTANT'S
2 WORK ON ILLUSTRATION 10, YOU CAN SEE A DASHED LINE
3 WITH A QUESTION MARK BECAUSE THEY DON'T KNOW FOR
4 SURE, BUT THEIR BEST GUESS IS IN SEPTEMBER OF '96,
5 THE WATER WAS IN THE WASTE, IN DECEMBER THE
6 CHANNELIZATION LOOKED LIKE IT WAS WORKING BEST I
7 CAN TELL FROM THIS DRAWING; BUT THEN WHAT'S NOT
8 SHOWN HERE, BECAUSE THE DATA CAME OUT AFTER
9 ILLUSTRATION 10 WAS PREPARED BY THEIR CONSULTANT,
10 IS THAT BY MARCH IT HAD CREEPED BACK UP TO WITHIN
11 A FEW FEET OF ITS HIGH POINT. THAT TELLS ME THE
12 WATER WAS BACK IN THE WASTE IN SEPTEMBER IN ABOUT
13 A FOURTH OF THE WELLS AND WAS WITHIN 5 FEET OF THE
14 WASTE IN TWO-THIRDS OF THE WELLS.

15 WHAT WE CAN CONCLUDE FROM THAT IS
16 TRYING TO REALIGN THE RIVER DIDN'T WORK AND THAT
17 FIVE OF THE LAST SIX YEARS THE RIVER HAS FLOWED
18 BANK TO BANK OUT THERE. I DRIVE ACROSS THAT
19 BRIDGE TWICE A WEEK GOING FROM SANTA BARBARA TO
20 OUR LANDFILL, AND I CAN TELL YOU IT FLOWED BANK TO
21 BANK FOR A LONG TIME THIS LAST YEAR, AND IT WASN'T
22 THE WETTEST YEAR IN HISTORY BY ANY MEANS.

23 THERE'S ALSO ANOTHER MATTER THAT WE
24 NEED TO TALK ABOUT HERE. I GUESS THE REASON I'M
25 POINTING ALL THIS OUT TO YOU IS THAT YOU MAYBE ARE

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1 LED TO BELIEVE THAT ALL THESE ARE PROBLEMS THAT
2 EXISTED THREE, FOUR, FIVE, TEN YEARS AGO, AND IT'S
3 ALL GOING TO BE OKAY NOW.

4 WELL, IT'S OUR OPINION THAT IT'S NOT
5 ALL GOING TO BE OKAY NOW, THAT THE MOST RECENT
6 REMEDIATION OF TRYING TO MOVE THE RIVER A MILE
7 AWAY OR HALF A MILE AWAY ACROSS THE FLOOD PLAIN
8 DIDN'T WORK. AND NOW WE'VE GOT TO ADDRESS THAT,
9 AND THAT MEANS MAYBE A NEW CORRECTION PLAN, MAYBE
10 A NEW CLOSURE COST ESTIMATE, CERTAINLY SOME MORE
11 MONEY NEEDS TO BE SPENT, AND THERE'S NOTHING ON
12 THE TABLE HERE TO TELL YOU THAT THAT'S THE PLAN.
13 IT'S UP IN THE AIR.

14 LET'S LOOK AT THE ISSUE OF THE
15 INACTIVE AREA. THE CITY AND I BOTH HAVE DRAWINGS
16 FOR YOU. THE CITY'S DRAWINGS ARE PRETTY NICE
17 ONES, SO YOU LOOK AT THAT ONE IF YOU WOULD LIKE.
18 IT SHOWS THE INACTIVE AREA WHICH IS OFF TO THE
19 WEST OF THE MAIN LANDFILL. IT'S 68 ACRES IN
20 SIZE.

21 BEST I CAN TELL, AND CERTAINLY THE CITY IS
22 HERE

23 AND YOU CAN ASK THEM, THAT INACTIVE AREA
24 HASN'T

25 BEEN USED FOR SOMEWHERE BETWEEN TEN AND 35

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YEARS .

23 IT IS STILL TO THIS DAY NOT COVERED WITH AN

24 IMPERMEABLE SOIL; AND ALTHOUGH THEY ARE

ATTEMPTING

25 TO WORK ON IT, IT EXISTED IN VIOLATION FOR

1 SOMEWHERE BETWEEN TEN AND 35 YEARS AND IS NOT
2 SCHEDULED TO BE FIXED UNTIL THE YEAR 2004, I
3 THINK. THAT'S ANOTHER SEVEN YEARS FROM NOW.

4 THAT IS A VIOLATION OF THE PUBLIC
5 RESOURCES CODE, THE CALIFORNIA -- CCR TITLE 23,
6 CHAPTER 15, IN OUR ATTORNEY'S OPINION. AND THE
7 FACT THAT INACTIVE LANDFILL, ACCORDING TO WATER
8 BOARD DOCUMENTS, IS KNOWN TO BE POLLUTING
9 GROUNDWATER IS ANOTHER ONGOING VIOLATION.

10 WHAT'S THE POINT OF ALL THIS? POINT
11 IS THIS SITE HAS A LONG HISTORY OF VIOLATIONS.
12 THERE IS A LACK OF ATTENTION HISTORICALLY TO THOSE
13 VIOLATIONS. AND IN OUR OPINION, THE SHEAR NUMBER
14 OF THE VIOLATIONS WARRANTS THAT THE BOARD, THE
15 BOARD, KEEP A TIGHT REIN ON THIS SITE.

16 FURTHER, WE BELIEVE THAT THE
17 RESOLUTION OF THE GAS, THE INACTIVE AREA, THE
18 LEACHATE MIGRATION VIOLATION SHOULD BE RESOLVED
19 AND THEN COME BACK TO A PUBLIC HEARING SO THAT
20 EVERYBODY CAN SEE THE PROGRESS ON THOSE
VIOLATIONS

21 SO THAT WE DON'T GET INTO THIS PROBLEM WHERE
STAFF

22 IS TELLING, IF I UNDERSTOOD IT CORRECTLY, THAT
THE

23 VIOLATION -- THAT THE CLEANUP ABATEMENT ORDER HAS

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24 BEEN RESOLVED AND I'M TELLING YOU IT HASN'T.
25 LET'S GET IT ALL OUT. LET'S GET
THE

1 WATER BOARD HERE IF THAT'S WHAT WE'VE GOT TO DO,
2 AND LET'S HAVE A PUBLIC HEARING ON THIS THING
3 RATHER THAN EXCHANGE IT AND MISUNDERSTAND IT IN
4 PRIVATE.

5 AFTER THE PERMIT AND ENFORCEMENT
6 COMMITTEE HEARING, IT WAS APPARENT TO US THAT THE
7 MAXIMUM PERMITTED ELEVATION WAS AND ALWAYS HAS
8 BEEN ELEVATION 325. AND THAT'S A KEY POINT
9 BECAUSE I THINK THE CITY IS TELLING YOU IT'S
10 REALLY 340, AND WE DON'T AGREE WITH THAT. WE
11 BELIEVE THAT THAT'S WHY THE P&E COMMITTEE HAD
12 STAFF ATTACH THAT CONDITION O, WHICH ATTEMPTS TO
13 BRING FINANCIAL ASSURANCE INTO COMPLIANCE.

14 FINANCIAL ASSURANCE IS NOT CURRENTLY
15 IN COMPLIANCE. AND TO GIVE YOU SOME IDEA OF HOW
16 FAR APART WE ARE ON THAT ISSUE, WE BELIEVE, BASED
17 ON THE FORMULA THAT I DO EVERY YEAR FOR OUR
18 LANDFILL, THAT THE DEFICIT IS CLOSER TO \$2
19 MILLION. I'VE GIVEN YOU TWO WEEKS AGO IN YOUR
20 PACKETS A LITTLE TWO- OR THREE-PAGE EXPLANATION
21 THAT I SENT TO MY CLIENT'S ATTORNEY SHOWING THE
22 STAFF AND YOU WHY I THOUGHT IT WAS THAT WAY.

23 I'M NOT HERE TODAY TO DEBATE HOW
24 MUCH THE DEFICIT IS, ONLY TO TELL YOU I THINK
25 THERE'S A DEFICIT, AND I THINK WE'RE A LONG

WAYS

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1 APART IN EVALUATING HOW THAT FORMULA IS BEING
2 USED. THAT'S ANOTHER ISSUE WE WOULD LIKE TO
AIR
3 IN A PUBLIC HEARING AND NOT HAVE TO DEAL WITH
THIS
4 ISSUE BEHIND CLOSED DOORS.
5 THERE'S ALSO THE PROBLEM WITH
THE
6 GROUNDWATER IN THE WASTE. I THINK THAT'S
7 SOMETHING THAT'S GOING TO HAVE TO BE WORKED
INTO
8 THE CLOSURE COST. IF YOU'RE TALKING ABOUT
9 DEWATERING WELLS, WHICH IS WHAT I'VE SUGGESTED
TO
10 THE CITY YEARS AGO THEY DO, THAT'S AN ONGOING
11 COST. THOSE THINGS COST MONEY. YOU GOT TO
PUMP
12 THEM EVERY TIME IT RAINS. THERE'S SOME COST
13 RELATED TO DRILLING THOSE WELLS AND
MAINTAINING
14 THOSE WELLS. IF THERE'S ANOTHER PLAN, LIKE A
15 CONCRETE CHANNEL, THAT MAY NOT HAVE THE
16 MAINTENANCE COST, BUT IT'S CERTAINLY GOT AN
17 INSTALLATION COST. NONE OF THAT'S INCLUDED IN
THE
18 CURRENT CLOSURE COST ESTIMATE.

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19 WE WOULD ALSO LIKE TO SEE,
20 THEREFORE, THAT CLOSURE COST ESTIMATE UPDATED.
21 AND ONE WAY YOU CAN DO THAT IS TO BRING THAT
BACK
22 BEFORE THE BOARD SOME YEARS FROM NOW OR SOME
WEEKS
23 FROM NOW, DEPENDING ON WHAT YOU DO TODAY.
24 I'VE BEEN ASKED BY MY CLIENT TO
25 RESPOND TO A COUPLE THINGS THAT THE CITY SAID
AT

1 THE P&E COMMITTEE HEARING, AND THERE ARE TWO
2 THINGS THAT I'D LIKE TO TAKE ISSUE WITH. ONE,
3 THAT THERE ISN'T ENOUGH MONEY IN THE LANDFILL
4 BUDGET OVER AT THE SANTA MARIA LANDFILL TO PAY FOR
5 THESE BURDENSOME THINGS LIKE TRUST FUNDS AND
6 CORRECTIVE ACTION. I HAVE INCLUDED FOR YOUR
7 REVIEW ILLUSTRATION 17.

8 THIS ILLUSTRATION, I CAN GO OVER
9 THIS THING ON THE MONITOR WITH YOU IF YOU'D LIKE,
10 IS SIMPLY A PLOT THAT I DID FOR -- TO TRY AND GET
11 A RATE INCREASE AT OUR LANDFILL, AND IT REALLY
12 TURNED UP SOMETHING INTERESTING. SANTA MARIA, IF
13 YOU LOOK AT THE LEFT SIDE OF THE GRAPH, IT'S TONS
14 PER YEAR AND AT THE BOTTOM IS DOLLARS PER YEAR.
15 AND THOSE LANDFILLS NEAR THAT CURVE OF ZERO PROFIT
16 ARE THE ONES THAT ARE PRETTY CLOSE TO COST, COST
17 PLUS 10, COST PLUS 20 PERCENT, SOMETHING LIKE
18 THAT.

19 SANTA MARIA, IF YOU LOOK AT THE
20 LOWER RIGHT, IS THE SECOND HIGHEST LANDFILL THAT
21 WE COULD FIND IN CALIFORNIA IN DOLLARS PER TON.
22 THEY'RE AT \$55 A TON ON THE GRAPH, AND I THINK IN
23 JUNE, AND THE CITY CAN CORRECT ME IF I'M WRONG,
24 THEY'RE GOING TO 60. THEY'VE GOT ABOUT A 5
25 PERCENT PER YEAR ACCELERATION BUILT INTO IT.

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1 IF YOU TAKE THAT INTO CONSIDERATION,
2 \$60 A TON, ALONG WITH THE FACT THAT THEY'VE GOT A
3 MONOPOLY IN THE SANTA MARIA VALLEY AND 120,000
4 PEOPLE THERE, IT'S PRETTY CLEAR THAT THEY'RE
5 GENERATING ABOUT \$6 MILLION A YEAR IN REVENUE.
6 AND THAT IS SHOWN QUITE WELL ON ONE OF THE PUBLIC
7 WORKS DIRECTOR'S GRAPHICS, ILLUSTRATION 18, WHICH
8 HE PRESENTED TO HIS COUNCIL IN, I THINK IT WAS,
9 NOVEMBER.

10 WHAT THAT SHOWS IS THERE'S 52
11 PERCENT OF THE REVENUE GOING TO CLOSURE. AND I
12 CAN SHOW YOU ON PAGE 18 THAT'S ABOUT SIX MILLION A
13 YEAR FOR THE TOTAL REVENUE. AND SO WHAT HE'S
14 TELLING HIS COUNCIL, AND I HAVE TO BELIEVE HE WAS
15 CORRECT, IS THAT IN 1995-96, AND IF YOU LOOK AT
16 ILLUSTRATION 19 IN '97-'98, HE'S PROJECTING
17 SOMEWHERE AROUND THREE MILLION A YEAR GOING TO
18 CLOSURE. AND THAT THREE MILLION A YEAR, WHICH IS
19 50 PERCENT OF THE LANDFILL REVENUE, IS GOING TO
20 PAY FOR THE ENTIRE CLOSURE COST DEFICIT IN ABOUT
21 THREE OR FOUR YEARS. AND SO I HAVE A TOUGH TIME
22 UNDERSTANDING WHERE THE MONEY PROBLEM IS.

23 THE SECOND ISSUE WILL BE, IF YOU
24 LOOK AT ILLUSTRATION 19, IS THE COMMENT THAT WAS
25 MADE TODAY BY THE LEA AND WILL PROBABLY BE ARGUED

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1 BY THE CITY, AND THAT IS, AS I UNDERSTAND IT,
2 WE'RE SO CLOSE TO 325 RIGHT NOW AND WE'VE GOT THIS
3 BIG FLAT AREA, THAT WE REALLY HAVE TO GO HIGHER IN
4 ORDER TO GET A SLOPE ON IT. SO THE SLOPE IS THIS
5 LITTLE DASHED LINE. AND THIS IS A DIAGRAMMATIC
6 CROSS SECTION. I'M NOT TRYING TO TELL YOU THIS IS
7 EXACTLY HOW IT LOOKS OUT THERE, BUT CONCEPTUALLY
8 THIS HAS GOT TO BE RIGHT.

9 I HAVE TWO COMMENTS ABOUT THAT.
10 ONE, ARE YOU GOING TO REWARD AN OPERATOR THAT
11 TAKES IT RIGHT UP TO HIS MAXIMUM PERMITTED
12 ELEVATION AND THEN TELLS YOU HE'S GOT TO PUT MORE
13 TRASH AND GET A VERTICAL ACCELERATION TO FIX A
14 PROBLEM OF LACK OF FORESIGHT? AND IF YOU DO THAT,
15 AREN'T YOU CREATING A PRETTY BAD PRECEDENT FOR
16 YOURSELVES?

17 THE SECOND COMMENT IS THIS IS
18 EXACTLY WHAT HAPPENED IN THE INACTIVE AREA AND
19 EXACTLY THE ARGUMENT THAT THEY MADE TO THE WATER
20 BOARD. AND THE WATER BOARD TOLD THEM, "SORRY.
21 YOU AREN'T GOING TO PUT MORE WASTE ON THE INACTIVE
22 AREA TO GET SLOPES. YOU'RE GOING TO USE DIRT.
23 YOU GUYS DIDN'T SLOPE IT. YOU'RE GOING TO PAY THE
24 PRICE FOR IT, AND WE'RE NOT GOING TO REWARD YOU
25 WITH A VERTICAL EXPANSION."

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1 AND SO I CAN SUGGEST TO YOU THAT YOU
2 DON'T NEED WASTE. REGARDLESS OF YOUR DECISION
3 TODAY, YOU DON'T NEED WASTE TO GET SLOPES ON
4 LANDFILL. IT MAY BE CHEAPER AND IT MAY BE A
5 BETTER WAY TO GO FOR THE OPERATOR, BUT IT'S A BAD
6 PRECEDENT.

7 I'D ALSO LIKE TO REFER YOU BACK TO
8 ILLUSTRATION 13. I'VE HEARD A LOT OF TALK THAT,
9 GEE, WE'RE ASSUMING 340. WE ALWAYS THOUGHT WE
10 WERE GOING TO GET IT, AND THAT'S WHY WE DID
11 EVERYTHING WE DID. I PUT TOGETHER A BUNCH OF
12 QUOTES ON ILLUSTRATION 13 OF ALL THE DIFFERENT
13 DATES -- WELL, AS MANY AS I COULD FIND -- THAT THE
14 CITY WAS TOLD DON'T ASSUME 340. BECAUSE THIS WAS
15 EXACTLY THE SAME ARGUMENT THAT THEY MADE TO THE
16 WATER BOARD IN '94. AND IN FACT, YOU WILL SEE
17 THAT ARGUMENT IN THE MIDDLE OF PAGE 13 WHERE THEY
18 SAID TO THE WATER BOARD, "HEY, GUYS, WE OUGHT TO
19 BE ALLOWED TO GO TO 340, NOT THE 325."

20 I WAS AT THE HEARING AND I HEARD
21 EXACTLY THE SAME ARGUMENT YOU ARE GOING TO HEAR
22 TODAY. AND THIS WAS THE WATER BOARD'S RESPONSE.
23 "WE TOLD YOU ON THIS DATE, THIS DATE, AND THIS
24 DATE THAT YOU OUGHT TO PLAN ON NOT DOING THAT
25 UNTIL WE TELL YOU IT'S OKAY."

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1 NOW, AGAIN, THE LEA WOULD SUGGEST TO
2 YOU THESE ARE ALL PROBLEMS IN THE PAST. WITH ALL
3 DUE RESPECT TO MR. SCHMAELING, WHOSE ABILITIES I
4 CERTAINLY RESPECT, I WOULD ARGUE THAT THOSE DATES
5 ON THAT PAGE ARE PRETTY RECENT, '93, ONE IN '97,
6 OF COURSE, THE MOST RECENT LETTER.

7 IN CONCLUSION, WE BELIEVE THERE'S A
8 SUBSTANTIAL BASIS FOR THIS BOARD TO OBJECT TO THE
9 PERMIT. AND IN FACT, WE WOULD SUBMIT TO YOU THAT
10 FINAL BOARD ACTION, WHICH IS WHAT YOU ARE TALKING
11 ABOUT HERE, IF YOU APPROVE THIS VERTICAL EXPANSION
12 AND YOUR STAFF LATER ON CONCURS, YOU'RE NEVER
13 GOING TO SEE IT AGAIN. SO FINAL BOARD ACTION,
14 WHEN THE OPERATOR IS OUT OF THE COMPLIANCE WITH
15 THE WASTE DISCHARGE ORDER, OUT OF COMPLIANCE WITH
16 THE CLEANUP AND ABATEMENT ORDER, HAS A GAS
17 VIOLATION, HAS AN INACTIVE AREA THAT'S NOT
18 COVERED, HAS A LEACHATE MIGRATION VIOLATION, AND A
19 DEFICIT AS WE SIT HERE TODAY IN THE CLOSURE FUND
20 IS NOT THE RIGHT THING TO DO.

21 NOW, I KNOW YOU'VE DONE THIS WHEN
22 YOU'VE HAD ONE OR TWO OF THOSE VIOLATIONS. BUT
23 HAVE YOU EVER DONE IT WITH A VERTICAL EXPANSION
24 WITH FIVE OR SIX OF THOSE PROBLEMS? NOW,
25 CERTAINLY THE WASTE DISCHARGE ORDER AND THE

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1 CLEANUP AND ABATEMENT ORDER COULD BE ARGUED. HEY,
2 THOSE ARE AB 1220 WATER BOARD STUFF. DON'T BOTHER
3 ME WITH THAT. BUT THE OTHER FOUR THINGS, IN OUR
4 OPINION, ARE.

5 WE BELIEVE THAT SINCE YOU ARE NOT
6 LIMITED BY THE 60-DAY CLOCK, THAT YOU CAN SUGGEST
7 TO THE LEA THAT HE COME BACK TO YOU IN A COUPLE
8 WEEKS OR WHEN IT SUITS YOU WITH A NEW PERMIT THAT
9 SAYS 325 ON THE FACE WHICH IS A PERMIT THAT WOULD
10 BE WITHOUT THE VERTICAL EXPANSION. NO ONE IS
11 SITTING HERE TODAY SAYING DON'T GIVE THESE GUYS A
12 PERMIT.

13 WHAT THIS ACTION WOULD DO WOULD
14 PRECLUDE THE VERTICAL EXPANSION -- WOULD NOT
15 PRECLUDE THE VERTICAL EXPANSION -- EXCUSE ME --
16 BUT WOULD DEFER YOUR ACTION ON THE VERTICAL
17 EXPANSION UNTIL THE NEXT PERMIT REVIEW, WHENEVER
18 THAT MAY BE, FIVE YEARS FROM NOW OR MAYBE THEY
19 WANT TO COME BACK SOONER.

20 IT WOULD ALSO ALLOW THE PUBLIC TO
21 CHECK THE PROGRESS ON ALL THESE VIOLATIONS AND TO
22 VENT THEIR FEELINGS AND THEIR FRUSTRATIONS
23 DIRECTLY TO YOU SO THAT WE DON'T HAVE SOME
24 ALLEGATION THAT THERE'S BEEN A DEAL MADE BEHIND
25 THE BACK AND, GEE, SOMEBODY MADE A MISTAKE AND I

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1 DIDN'T REALLY MEAN THAT. THIS THING GETS DONE IN
2 A PUBLIC HEARING. I'M NOT TRYING TO IMPLY THAT
3 ANYBODY IS TRYING TO DO ANYTHING IMPROPER. BUT
4 THOSE SORT OF MISUNDERSTANDINGS HAPPEN.

5 IT IS ALSO OUR OPINION THAT BY
6 DEFERRING BOARD ACTION ON THE VERTICAL EXPANSION
7 UNTIL THE NEXT PERMIT REVIEW, YOU WOULD BE
8 ENCOURAGING A GREATER DEGREE OF COMPLIANCE FROM
9 THE OPERATOR, AS WELL AS GIVING THE PUBLIC A
10 CHANCE TO EVALUATE THE PROGRESS OF THE OPERATOR.

11 AND KEEP IN MIND, IF YOU WEREN'T
12 AWARE, THAT THE OPERATOR SAID AT THIS PODIUM TWO
13 WEEKS AGO THAT THE VERTICAL EXPANSION WAS ONLY
14 GOING TO KNOCK THREE YEARS OFF OF HIS SITE LIFE.
15 YOU DEDUCT THREE YEARS FROM THE 2013 -- I THINK
16 MR. JONES MADE THIS POINT -- YOU ARE STILL OUT
17 THERE AT 2010 BEFORE YOU HAVE TO HAVE THIS THING.
18 I'M SUGGESTING TO YOU FIVE YEARS FROM NOW IS A
19 HECK A LOT OF YEARS BEFORE HE ABSOLUTELY HAS TO
20 HAVE THIS THING, AND I THINK IT'S THE REASONABLE
21 THING TO DO.

22 I THINK MR. CUPPS HAS SOME SHORT
23 COMMENTS, AND THAT WOULD CONCLUDE OUR PRESENTATION
24 AFTER MR. CUPPS.

25 BOARD MEMBER RELIS: MR. CHAIR.

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1 CHAIRMAN PENNINGTON: MR. RELIS, DO YOU
2 HAVE -- WE MAY HAVE SOME QUESTIONS OF YOU, MR.
3 HOOVER.

4 BOARD MEMBER RELIS: FIRST, I HAVE A
5 PROCEDURAL QUESTION, WHICH I'LL PROBABLY WANT TO
6 ASK THAT THE ADMINISTRATION COMMITTEE TAKE UP.
7 TODAY WE RECEIVED SEVERAL DOCUMENTS AND I RECEIVED
8 ONE LAST WEEK AT THE -- AFTER THE PERMITS
9 ENFORCEMENT COMMITTEE. THEY COME LIKE THIS. THEY
10 DON'T HAVE ANY IDENTIFICATION. I HAVE NO IDEA WHO
11 IS SUBMITTING IT. IT LOOKS QUASI OFFICIAL FROM
12 OUR SIDE. AND I THINK IT'S A REAL DISSERVICE TO
13 SUBMIT DOCUMENTS TO THIS BOARD WHEN WE'RE
14 OPERATING ON JUST RECEIVING FRESH MATERIAL. WE
15 DON'T KNOW WHAT IT IS. IT'S FULL OF REFERENCES,
16 OFFICIAL CORRESPONDENCE.

17 SO I'M GOING TO RECOMMEND, JUST
18 BEFORE I FORGET THIS, THAT THE ADMINISTRATION
19 COMMITTEE IMPOSE A REQUIREMENT THAT WHEN PEOPLE
20 PASS OUT DOCUMENTS TO US, THEY'RE STAMPED,
21 IDENTIFYING WHO IS THE PARTY GIVING THEM TO US.
22 BECAUSE IT'S VERY CONFUSING, AND I JUST WANT A
23 PROCEDURE THAT PREVENTS THIS IN THE FUTURE.

24 CHAIRMAN PENNINGTON: I THINK THAT'S
25 EXCELLENT. WE WILL SCHEDULE IT ON THE ADMIN

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1 COMMITTEE.

2 MR. HOOVER: LET ME TAKE RESPONSIBILITY
3 FOR THAT, MR. RELIS. I FULLY ADMIT I THOUGHT THAT
4 WAS GOING TO GO TO YOU WITH A TRANSMITTAL OR TO
5 THE BOARD WITH A TRANSMITTAL. THAT WAS DONE BY A
6 CONSULTANT, NOT MY OFFICE, BUT ANOTHER CONSULTANT
7 FOR SANTA MARIA TRANSFER, AND I'LL STAND HERE
8 RIGHT NOW AND TELL YOU I'LL TAKE RESPONSIBILITY
9 FOR THAT.

10 CHAIRMAN PENNINGTON: OKAY, FINE. I'M
11 SURE YOU ARE NOT THE FIRST ONE THAT'S DONE THIS.

12 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
13 HAVE A QUESTION.

14 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

15 BOARD MEMBER CHESBRO: THIS IS FOR THE
16 LEA OR STAFF. HAS THERE BEEN -- I PRESUME THE
17 ALLEGATION ABOUT THE DEFICIT, THE ALLEGED
DEFICIT,

18 IN THE CLOSURE FUND HAS BEEN MADE PREVIOUSLY SO
19 THAT THERE'S BEEN SOME ANALYSIS. IS THERE ANY
20 RESPONSE TO THE STATEMENT THAT THERE'S A
21 SHORTFALL? AND I ASSUME WE'RE TALKING ABOUT A
22 SHORTFALL THAT'S UNRELATED TO THE ISSUE OF
WHETHER

23 IT'S 325 OR 340.

24 CHAIRMAN PENNINGTON: LET ME JUST ASK

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25 YOU. THAT'S FINE TO ASK, BUT THERE'S FIVE OF
THEM

1 THAT ARE GOING TO ADDRESS US FROM THE CITY.

2 BOARD MEMBER CHESBRO: WELL, I EXPECT
THE

3 CITY TO RESPOND TO IT, BUT I'D BE CURIOUS
WHETHER

4 OR NOT EITHER THE LEA OR OUR STAFF HAS LOOKED AT

5 THAT ALLEGATION AND --

6 MR. DIER: I DON'T KNOW -- GARTH, CAN
YOU

7 HELP ME? I'M NOT SURE WE'VE LOOKED AT THAT

8 SPECIFIC ALLEGATION. WE'VE REVIEWED THE STATUS
OF

9 THE CLOSURE FUND.

10 BOARD MEMBER CHESBRO: I GUESS I'M

11 SEEKING REASSURANCE THAT OUR STAFF FEELS THAT
IT'S

12 ADEQUATELY FUNDED. THAT'S WHAT I'M LOOKING FOR.

13 MR. DIER: WE'RE SATISFIED THAT IT'S

14 ADEQUATELY FUNDED.

15 MR. ADAMS: MR. CHESBRO -- THIS IS
GARTH

16 ADAMS FOR THE RECORD.

17 THE INFORMATION THAT WE HAVE TO
BASE

18 OUR CALCULATIONS AND THE FORMULA IN THE REGS FOR

19 THE DEPOSITS ARE BASED ON BASICALLY THE COST

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20 ESTIMATES FOR THE SITE, THE AMOUNT OF FILL FOR
21 THAT YEAR, AND THE CAPACITY OF THE SITE. ALL
THE
22 DOCUMENTATIONS THAT WE ARE DEALING WITH AT THE
23 BASICALLY FINANCIAL END OF IT DEAL WITH THE
24 SPECIFIC CAPACITY LEVEL. AND I BELIEVE MOST OF
25 THE DOCUMENTATION IS ALL AROUND THE 340 RANGE,
AND

1 THAT'S WHAT IT HAS BEEN CALCULATED AT. AND
BASED

2 ON THAT, THEY ARE ADEQUATELY FUNDED AT THIS
TIME.

3 THE CONDITION THAT'S BEING
PROPOSED

4 IN THE PERMIT DEALS WITH SCALING BACK THAT TO AN
5 ANNUAL DEPOSIT OF 325 UNTIL SUCH TIME 340 IS
6 APPROVED BY ALL THE APPROPRIATE AGENCIES. THAT
7 WILL BUMP THEIR PAYMENTS ANNUALLY UP ABOUT -- IN
8 THE BALLPARK OF ABOUT 300 GRAND, DEPENDING ON
HOW

9 MUCH THEY FILL. WE'RE JUST BASING IT ON THIS
10 YEAR'S FILL CAPACITY SO FAR. SO BASICALLY THIS
11 COMING SEPTEMBER, WHICH IS THEIR NEXT
ANNIVERSARY

12 DATE, THEY WILL HAVE TO FUND A LITTLE HIGHER
THAN

13 THEY HAVE PREVIOUSLY BASED ON THAT PERMIT
14 CONDITION.

15 CHAIRMAN PENNINGTON: MR. CUPPS.

16 MR. CUPPS: WELL, FIRST OF ALL, MR.

17 RELIS, I WOULD LIKE TO APOLOGIZE. I SHOULD HAVE
18 DRAFTED A TRANSMITTAL LETTER FOR THAT BINDER;
AND

19 JUST IN THE RUSH OF THINGS, I DIDN'T GET THAT

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20 DONE. AND I APOLOGIZE FOR THAT.

21 AS YOU KNOW, MY NAME IS JOHN
CUPPS,

22 AND I APPEAR BEFORE YOU TODAY ON BEHALF OF SANTA

23 MARIA TRANSFER STATION, INC. I WOULD FIRST LIKE

24 TO ACKNOWLEDGE WHAT THE P&E COMMITTEE DID. THEY

25 VOTED THREE OH TO RECOMMEND THAT THE BOARD
OBJECT

1 TO THE PERMIT ON THE BASIS OF INADEQUATE
FINANCIAL

2 ASSURANCES.

3 IN TAKING THAT ACTION, THE
COMMITTEE

4 EFFECTIVELY SHATTERED THE PRETENSE, WHICH THE
5 OPERATOR HAS TRIED TO MAINTAIN, THAT THEY HAVE
6 AUTHORIZATION FROM THE WATER BOARD TO PROCEED TO
A

7 340-FOOT HEIGHT ELEVATION. THE FACT IS THEY
DON'T

8 HAVE SUCH AUTHORIZATION; AND EVEN IF THEY
SATISFY

9 THE CONDITIONS IN THE WDR'S, THEY ARE NOT
10 GUARANTEED THAT EXPANSION.

11 TO REINFORCE THAT POINT, I WOULD
12 LIKE TO CITE DISCHARGE PROHIBITION 22 FROM THE
13 CURRENTS WDR'S, WHICH STATES IN PART, "DISCHARGE
14 IS PROHIBITED AS SOON AS AN ALTERNATIVE TO
15 LANDFILLING AT THIS SITE IS IMPLEMENTED, EVEN IF
16 IT OCCURS BEFORE THE MAXIMUM ELEVATION ALLOWED
BY

17 THIS ORDER HAS BEEN REACHED."

18 IT IS, THEREFORE, SOMEWHAT IRONIC
19 THAT THE PROPOSED PERMIT BEFORE YOU TODAY
INCLUDES

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20 A VERTICAL EXPANSION TO 340 FEET MEAN SEA LEVEL.
21 FOR THE RECORD, THE ATTORNEYS FOR SANTA MARIA
22 TRANSFER STATION, INC., BELIEVE THAT THE
PROPOSED
23 PERMIT WITH A MAXIMUM ELEVATION OF 340 FEET IS
IN
24 CONFLICT WITH THE REGIONAL WATER QUALITY BOARD'S
25 DETERMINATION THAT THE CURRENT MAXIMUM ELEVATION

1 IS 325 FEET. SECTION 40055(B) OF THE PUBLIC
2 RESOURCES CODE PROHIBITS THE BOARD AND THE LEA
3 FROM ADOPTING PERMITS WHICH ARE IN CONFLICT WITH
4 ANY DETERMINATION MADE BY THE STATE OR REGIONAL
5 BOARDS. I REALIZE STAFF DISAGREES WITH THAT
6 INTERPRETATION, AND I'M NOT GOING TO BELABOR THE
7 POINT HERE.

8 DURING THE COMMITTEE MEETING, THERE
9 WAS CONSIDERABLE DISCUSSION OF OBJECTING TO THE
10 PERMIT ON THE BASIS OF THE 340-FOOT HEIGHT
11 LIMITATION. WE PROPOSED A 325-FOOT HEIGHT
12 LIMITATION, AND THERE SEEMED TO BE SOME SUPPORT
13 FOR THAT IN COMMITTEE. BOARD STAFF RESPONDED THAT
14 THERE WAS NO BASIS FOR THAT.

15 I'M GOING TO RESPECTFULLY AND INDEED
16 SOMEWHAT RELUCTANTLY DISAGREE WITH THAT POSITION.
17 FIRST, HOWEVER, I'D LIKE TO CALL YOUR ATTENTION TO
18 LEA CONDITION 17 C-5 IN THE PROPOSED PERMIT, WHICH
19 STATES: THE FOLLOWING ACTIVITIES ARE PROHIBITED:
20 OFF-SITE MIGRATION OF WASTE, LITTER, OR LEACHATE.

21 BASED UPON THE EVIDENCE THAT WE
22 SUBMITTED DURING THE COMMITTEE PROCEEDINGS, IT IS
23 QUITE CLEAR THAT LEACHATE IS MIGRATING OFF SITE
24 INTO THE GROUNDWATER AND CONTRIBUTING TO A
25 CONDITION OF POLLUTION AND NUISANCE. SO IF YOU

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1 CONCUR IN THIS PERMIT, THE DAY IT ISSUES THE
2 OPERATOR WILL BE IN VIOLATION OF THAT CONDITION.

3 NEXT I WOULD LIKE TO BRIEFLY TURN TO
4 A STATEMENT FROM THE EIR. AND THIS WAS QUOTED
5 ACTUALLY FROM A LETTER FROM THE WATER BOARD
6 COMMENTING TO THE CITY ON THE EIR, BUT I PRESUME
7 IT'S ACCURATE. "VERTICAL EXPANSION OF THE
8 LANDFILL WILL COVER EXISTING REFUSE WITH NEW SOLID
9 WASTE, THEREBY POTENTIALLY INCREASING WATER
10 QUALITY IMPACTS BY GENERATING ADDITIONAL LANDFILL
11 GAS AND POSSIBLY LEACHATE." MORE TRASH, MORE GAS,
12 MORE LEACHATE.

13 SO WHAT YOU HAVE IS A PROPOSED
14 PERMIT WITH A VERTICAL EXPANSION WHICH MAY
15 CONTRIBUTE NOT ONLY TO AN EXISTING VIOLATION OF
16 STATE MINIMUM STANDARDS, NAMELY GAS, BUT ALSO AT
17 LEAST PROSPECTIVELY A LONG-TERM VIOLATION OF A
18 PERMIT CONDITION.

19 NOW LET US TURN TO THE BOARD'S
20 ADOPTED PROCEDURE FOR CONSIDERING PROPOSED PERMITS
21 WHEN A LONG-TERM VIOLATION OF STATE MINIMUM
22 STANDARDS EXISTS. THAT PROCEDURE BASICALLY SAYS
23 THAT IF AN OPERATOR IS MAKING A GOOD FAITH EFFORT
24 IN COMPLIANCE WITH NOTICE AND ORDER TO CORRECT
25 THAT VIOLATION, THAT THE STAFF WILL RECOMMEND

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1 CONCURRENCE. AS BEST AS I CAN DISCERN, THAT
2 PROCEDURE DOES NOT ADDRESS VIOLATIONS OF OTHER
3 PERMIT TERMS AND CONDITIONS EXCEPT PERHAPS A VAGUE
4 REFERENCE TO ALL OTHER REQUIREMENTS BEING MET.

5 IN ANY EVENT, THE BOARD IS NOT
6 LEGALLY BOUND BY THAT PROCEDURE, AND IT IS WITHIN
7 YOUR AUTHORITY TO MAKE AN EXCEPTION TO IT. THE
8 REASON FOR THAT IS THAT THE PROCEDURE HAS NEVER
9 BEEN ADOPTED AS A FORMAL REGULATION AND,
10 THEREFORE, DOES NOT HAVE THE FORCE AND EFFECT OF
11 LAW. TO THAT EXTENT, THE PROCEDURE IS SOMEWHAT
12 ANALOGOUS TO THE OLD PROCEDURE FOR PLACING
13 FACILITIES ON THE LIST OF FACILITIES WHICH ARE IN
14 VIOLATION OF STATE MINIMUM STANDARDS, WHICH, AS
15 YOU KNOW, WAS INVALIDATED BY THE COURTS IN THE
16 NRDC LAWSUIT.

17 MY CLIENT WOULD LIKE YOU TO MAKE
18 SUCH AN EXCEPTION IN THIS CASE AND OBJECT TO THIS
19 PERMIT UNTIL SUCH TIME THAT IT INCLUDES A 325-FOOT
20 MEAN SEA LEVEL HEIGHT LIMITATION. YOU COULD CALL
21 IT THE THREE STRIKES ENVIRONMENTAL OFFENDER
22 EXCEPTION: LEACHATE, GAS, FINANCIAL ASSURANCES.
23 I BELIEVE IT IS WITHIN YOUR LEGAL AUTHORITY TO
24 TAKE SUCH ACTION.

25 THERE IS PERHAPS ANOTHER WAY OUT.

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1 AND THAT WOULD BE FOR THE LEA TO ADD A CONDITION
2 TO THE PERMIT WHICH STATES, "THE OPERATOR SHALL
3 NOT EXCEED AN ELEVATION OF 325 FEET MSL UNTIL SUCH
4 TIME THAT THE FACILITY IS IN FULL COMPLIANCE WITH
5 TITLE 14, SECTION 17258.23, THE GAS STANDARD, IF
6 YOU WILL, AND LEA CONDITION 17 C-5. IF THE
7 OPERATOR IS SERIOUS ABOUT ADDRESSING THESE
8 PROBLEMS, THEY SHOULD NOT OBJECT TO THIS
9 CONDITION. THANK YOU VERY MUCH FOR CONSIDERING MY
10 CLIENT'S CONCERNS.

11 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
12 MR. CUPPS? IF NOT, WE'LL MOVE TO DENISE
13 DELMATIER, CITY OF SANTA MARIA.

14 MS. DELMATIER: GOOD AFTERNOON, MR.
15 CHAIRMAN, MEMBERS OF THE BOARD. MY NAME IS DENISE
16 DELMATIER WITH THE GUALCO GROUP ON BEHALF OF THE
17 CITY OF SANTA MARIA.

18 I FIRST WANT TO COMPLIMENT STAFF.
19 THIS HAS BEEN A PERMIT THAT HAS BEEN SOMEWHAT
20 UNUSUAL IN THAT WE HAD A THREE OH VOTE COMING OUT
21 OF THE COMMITTEE TO RECOMMEND NONCONCURRENCE. WE
22 HAVE WORKED WITH STAFF AND MS. DOROTHY RICE, MR.
23 DON DIER, MR. TERRY SMITH, AND MR. CODY BEGLEY,
24 AND MR. GARTH ADAMS HAVE ALL BEEN VERY COOPERATIVE
25 IN TRYING TO FIND A SOLUTION THAT ADDRESSES THE

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1 CONCERNS OF THE COMMITTEE MEMBERS AS THEY WERE
2 VOICED AT THE HEARING.

3 AND I DO WANT TO TAKE ONE SMALL
4 EXCEPTION BEFORE WE PROCEED WITH THE SUBSTANTIVE
5 TESTIMONY. I HAVE, AS YOU WELL KNOW, PARTICIPATED
6 IN THE PUBLIC HEARING PROCESS WITH THIS BOARD
7 FOR -- SINCE ITS INCEPTION POST AB 939. I HAVE
8 APPRECIATED THE PUBLIC HEARING PROCESS THAT HAS
9 BEEN A PART OF THIS BOARD WITH THE CURRENT
10 CHAIRMAN, WITH PREVIOUS CHAIRMEN, AND WITH
11 PREVIOUS BOARD MEMBERS. AND AT NO TIME HAVE I
12 EVER FELT THAT THERE HAS BEEN CLOSED DEALS AND
13 BEHIND-THE-DOORS PRIVATE DEALS HAVE BEEN CUT. SO
14 I JUST WANTED TO COMMENT THAT I CERTAINLY TOOK
15 EXCEPTION TO THE COMMENTS OF MR. HOOVER IN THAT
16 REGARD.

17 NOW, ON THE PERMIT ITSELF. THE
18 WDR'S SPECIFY 340 WITH OPERATIONAL LANGUAGE AT
19 325. IF WE WERE TO ACCEPT A CONDITION THAT LIMITS
20 THIS PERMIT TO 325, WE WOULD BE OUT OF COMPLIANCE
21 WITH THE WDR'S, WE WOULD BE OUT OF COMPLIANCE WITH
22 SUBTITLE D IN MEETING THE STANDARDS THAT HAVE BEEN
23 SET FORTH AS ALL OF YOU ARE WELL AWARE.

24 THE WATER BOARD IN ITS COMPLIANCE
25 AND ABATEMENT ORDER, CLEANUP AND ABATEMENT ORDER,

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1 HAS SPECIFIED A NUMBER OF TASKS THAT THE CITY MUST
2 COMPLY WITH IN ORDER TO COMPLY WITH THAT ORDER.
3 THEY ARE WELL ON THEIR WAY IN COMPLYING WITH THAT
4 ORDER. THE WATER BOARD PREVIOUSLY TESTIFIED AT
5 PERMIT COMMITTEE THAT THEY ARE IN COMPLIANCE WITH
6 THAT ORDER.

7 WHAT MR. HOOVER FAILS TO RECOGNIZE
8 IS THE NUANCE, IF YOU WILL, BETWEEN COMPLIANCE
9 WITH AN ORDER AND COMPLIANCE WITH THE WDR'S.
10 TECHNICALLY, IN ORDER TO COMPLY WITH THE CAO, AT
11 THE SAME TIME THE APPLICANT IS TECHNICALLY OUT OF
12 COMPLIANCE WITH THE WDR. THAT IS THE DISTINCTION
13 THAT MR. SMITH POINTED OUT IN HIS TESTIMONY
14 PRESENTING THIS PERMIT.

15 YOU CANNOT HAVE A CAO AND BE IN
16 COMPLIANCE WITH AN ORDER, BUT YOU CAN BE IN
17 COMPLIANCE WITH AN ORDER AND BE OUT OF COMPLIANCE
18 WITH THE WDR. THAT IS THE WATER BOARD'S JURIS-
19 DICTION. THIS BOARD HAS APPROVED ON SEVERAL
20 OCCASIONS PERMITS THAT ARE ON SCHEDULE FOR
21 COMPLIANCE WITH THEIR CLEANUP AND ABATEMENT ORDERS
22 AND ENFORCEMENT ORDERS.

23 IF YOU WERE TO DISAPPROVE PERMITS
24 THAT HAVE APPLICANTS IN COMPLIANCE WITH THOSE
25 ORDERS, YOU WOULD, IN ESSENCE, BE DISALLOWING AN

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1 APPLICANT TO PROCEED IN COMPLYING WITH ITS
2 ENVIRONMENTAL ORDERS.

3 THE APPLICANT HAS TO DATE COMPLIED
4 WITH SEVEN OF THE EIGHT TASKS THAT THE WATER BOARD
5 HAS ASKED THEM TO COMPLY WITH. THERE WAS ONE
6 REMAINING TASK. THEY ARE IN -- ON SCHEDULE, IN
7 FACT, ARE AHEAD OF SCHEDULE TO COMPLY WITH THAT
8 REMAINING TASK AND EXPECT TO HAVE THAT TASK
9 COMPLIED WITH BY THE END OF THE YEAR.

10 ON THEIR OWN, THEY HAVE ALREADY
11 BUDGETED MONIES TO HAVE CLEANUP FOR PURPOSES OF
12 THE FINAL CLOSURE CONSTRAINTS FOR THE FACILITY.
13 THEY HAVE ALREADY BUDGETED AN ADDITIONAL TWO
14 MILLION TO ALSO ADD ADDITIONAL WORK AT THE SITE.
15 THEY TO DATE HAVE ON THEIR OWN INVESTED 4 MILLION
16 TOWARDS CLOSURE COSTS. AND STAFF CAN COMMENT
17 WHETHER OR NOT THAT WOULD ALSO BE ELIGIBLE TO BE
18 APPLIED TOWARDS THE CLOSURE COST, THE BOTTOM LINE
19 CLOSURE COSTS AT THE END OF THE CYCLE.

20 WE HAVE NO PROBLEM WITH CONDITION O
21 AS PROPOSED BY STAFF. WE HAD NO PROBLEM WITH
22 CONDITION O AS PREVIOUSLY PROPOSED BY STAFF AND
23 WITH LEA. WE HAVE TRIED TO WORK COOPERATIVELY
24 WITH STAFF AND WITH THE LEA, AND WE BELIEVE
THAT,

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25 IN TRYING TO ADDRESS THE CONCERNS OF THE
COMMITTEE

1 MEMBERS, WE HAVE A PROPOSED CONDITION THAT
2 SATISFACTORILY ADDRESSES THOSE CONCERNS AND
3 RESOLVES THOSE CONCERNS.

4 WE ARE NOT GOING TO SATISFY THE
5 OBJECTIONS OF THE COMPETITOR THAT APPEARS BEFORE
6 YOU TODAY IN OPPOSITION TO THIS PERMIT. WE WILL
7 NEVER SATISFY THE OBJECTIONS OF THIS PARTICULAR
8 COMPETITOR. CLOSURE OF THAT FACILITY WOULD
9 SATISFY THE CONCERNS AND THE OBJECTIONS OF THE
10 OPPOSITION.

11 THE OPPOSITION THAT APPEARS BEFORE
12 YOU TODAY AS WELL AS AT THE COMMITTEE HEARING IS A
13 COMPETITOR. WE DON'T HAVE, AS WE NORMALLY DO, AS
14 THE COMMITTEE MEMBERS FROM PERMIT AND ENFORCEMENT
15 COMMITTEE SAW, WE DON'T HAVE THE LOCAL RESIDENTS
16 APPEARING BEFORE THE COMMITTEE HEARING OR AT THE
17 BOARD HEARING BECAUSE THEY DON'T EXIST. THIS IS
18 THE FACILITY THAT HAS BEEN EMBRACED BY THE CITY,
19 IS WELL ON ITS WAY TOWARDS COMPLIANCE WITH THE NEW
20 SUBTITLE D RESTRICTIONS, AND WILL CONTINUE TO DO
21 SO.

22 I HAVE WITH ME TODAY MR. ART
23 MONTANDON, THE CITY ATTORNEY WITH THE CITY OF
24 SANTA MARIA; MR. JOHN ZHAO, ENGINEER WITH THE
25 SOLID WASTE DIVISION, AND MR. JOHN DOLEGOWSKI WITH

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1 CH2MHILL, CONSULTANT ON THE PROJECT, AND THEY WILL
2 BE ABLE TO ANSWER ANY OF THE QUESTIONS THAT HAVE
3 BEEN RAISED BY THE OPPOSITION IN THEIR PREVIOUS
4 DOCUMENTS THAT THEY HAVE HANDED TO THE BOARD,
5 THEIR PREVIOUS TESTIMONY AT THE COMMITTEE
6 HEARING -- AND SOME OF YOU WERE ABLE TO ATTEND
7 THAT COMMITTEE HEARING, SOME OF YOU WERE NOT
8 PRESENT -- AS WELL AS NEW DOCUMENTS THAT HAVE BEEN
9 PRESENTED. AND I'D BE HAPPY TO ANSWER ANY
10 QUESTIONS.

11 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
12 MS. DELMATIER? DO YOU WANT -- DO EACH OF THESE
13 FOLKS WANT TO SPEAK, OR ARE THEY JUST READY FOR
14 QUESTIONS? WHATEVER YOU WOULD LIKE.

15 MS. DELMATIER: WE FEEL COMPELLED TO
16 RESPOND TO A FEW OF THE REPRESENTATIONS BY MR.
17 HOOVER, BUT WE'LL TRY AND MAKE IT BRIEF, MR.
18 CHAIRMAN.

19 CHAIRMAN PENNINGTON: MR. JOHN
20 DOLEGOWSKI.

21 MR. DOLEGOWSKI: YES, I'M JOHN
22 DOLEGOWSKI. I HANDED OUT A -- THIS HANDOUT
23 PREVIOUSLY TO YOU AND IT WAS DISTRIBUTED.

SOME OF

24 THE PEOPLE WERE WONDERING WHO IT CAME FROM. I
25 APOLOGIZE FOR NOT STATING ON THERE THE

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ORIGINATOR

1 OF IT.

2 I'M GOING TO GO THROUGH BRIEFLY
3 HERE. SOME OF THE INFORMATION HAS BEEN TALKED
4 ABOUT ALREADY.

5 THIS IS A SUMMARY OF THE GENERAL
6 ISSUES HERE OF MY PRESENTATION, THAT THE CURRENT
7 WDR'S AND THE SOLID WASTE FACILITY PERMIT
8 APPLICATION REFLECTS THE FINAL CLOSURE ELEVATION
9 OF 340 FEET. THE CAO IS -- LIMITS THE LANDFILL'S
10 ELEVATION TO 325 FEET UNTIL FULL COMPLIANCE WITH
11 THE ORDER IS REACHED. AND THE CITY IS ACTIVELY
12 PURSUING COMPLIANCE WITH THAT ORDER AT THIS TIME.

13 LIMITING THE FINAL ELEVATION TO 325
14 FEET RESULTS IN A CONFLICT WITH THE CURRENT WDR'S
15 AND ULTIMATELY WITH THE FEDERAL REGULATIONS FOR
16 THE MINIMUM SLOPE REQUIREMENTS.

17 THE CITY OF SANTA MARIA LANDFILL IS
18 290 ACRES. IT IS LOCATED EAST OF THE CITY ALONG
19 THE SANTA MARIA RIVER. IT IS A -- THERE'S A
20 20-FOOT LEVEE THAT SEPARATES THE RIVER FROM THE
21 LANDFILL, AND ORIGINALLY THE LANDFILL WAS BUILT AT
22 THIS LOCATION TO BUTTRESS THE LEVEE.

23 THIS MAP SHOWS THE LOCATION. AS YOU
24 CAN SEE, IT'S VERY LONG. THE NORTHERN OR THE
25 NORTHWEST HALF, THE SKINNY PORTION, IS THE CLOSED

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1 PORTION OF THE LANDFILL. THE CENTER THIRD IS THE
2 ACTIVE PORTION, AND THE LOWER RIGHT IS THE BARROW
3 AREA FOR THE LANDFILL. THE ENTIRE PROPERTY IS
4 SHOWN IN HATCHED AREA.

5 THE LANDFILL WAS ESTABLISHED IN THE
6 EARLY 1950S. ORIGINALLY IT WAS A BURN DUMP. THE
7 ACTIVE AREA COMPRISES 186 ACRES, THE INACTIVE AREA
8 IS 68 ACRES, AND THE BARROW AREA IS 79 ACRES. IT
9 RECEIVES 300 TO 400 TONS PER DAY OF MUNICIPAL
10 SOLID WASTE, AND IT CONTAINS A RECYCLING HOUSEHOLD
11 HAZARDOUS WASTE COLLECTION CENTER AND A WHITE
12 GOODS RECYCLING CENTER.

13 THERE HAS BEEN A VERY LARGE AMOUNT
14 OF ENVIRONMENTAL COMPLIANCE AND MONITORING WORK
15 THAT'S BEEN -- THAT HAS OCCURRED OVER THE LAST 12
16 YEARS AT THIS LANDFILL. SEVERAL MILLIONS HAVE
17 BEEN SPENT SINCE 1986, AND THERE ARE OVER 25
18 REPORTS AND STUDIES THAT HAVE BEEN PREPARED SINCE
19 1986. THEY'RE LISTED ON THE NEXT PAGE OF THE
20 HANDOUT. THEY COVER MANY AREAS: GROUNDWATER
21 MONITORING, THE COMPLETION REPORTS, SWAT'S,

BOTH

22 THE AIR AND GROUNDWATER SWAT'S, LANDFILL GAS
23 STUDIES, DETECTION AND EVALUATION MONITORING
24 PLANS, THE GROUNDWATER INTRUSION PREVENTION

PLAN

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25 TO EVALUATE THE POTENTIAL IMPACTS OF THE
GROUND-

1 WATER INTRUSION INTO THE WASTE, AND RECENTLY A
2 MONITORING AND REPORTING PROGRAM PROPOSAL AND
3 PLUME MIGRATION DETECTION PLAN WHICH WAS SUBMITTED
4 ON JANUARY 31ST.

5 I WON'T PUT THE LIST OF DOCUMENTS.
6 I THINK IT WOULD BE TOO HARD TO SEE AT THIS SCALE.

7 THE CURRENT MONITORING NETWORK
8 INCLUDES 20 GROUNDWATER MONITORING WELLS. THERE
9 ARE ALSO EIGHT WELLS THAT WERE INSTALLED; AND DUE
10 TO WATER BOARD CONCERNS ABOUT THE SCREEN INTERVAL,
11 THEY WERE PROMPTLY REPLACED WITH ADDITIONAL WELLS.
12 THE VADOSE ZONE MONITORING NETWORK CONSISTS OF 22
13 PROBES. ALSO FOR THE PERIMETER LANDFILL GAS
14 MONITORING IS 22 PROBES, AND SURFACE WATER
15 MONITORING IS CURRENTLY SAMPLED AT TWO LOCATIONS.

16 I APOLOGIZE FOR THIS MAP. IT'S HARD
17 TO SEE AT THIS SCALE. PERHAPS YOU CAN SEE IT ON
18 YOUR HANDOUTS. IT'S JUST TO SHOW THE NUMBER OF
19 MONITORING LOCATIONS AND THEIR POSITION. THIS
20 LANDFILL, BECAUSE IF ITS SIZE, HAS A VERY LARGE
21 MONITORING NETWORK.

22 OKAY. THERE HAS BEEN SIGNIFICANT
23 PROGRESS IN COMPLYING WITH THE CAO PROVISIONS.
24 SEVEN OF THE EIGHT PROVISIONS HAVE BEEN COMPLETED
25 SO FAR. THE EIGHTH ONE IS UNDER PROGRESS NOW. A

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1 FIRST PHASE OF LANDFILL GAS EXTRACTION WAS STARTED
2 UP IN JANUARY OF 1977, AND THE PLUME MIGRATION
3 DETECTION PLAN AND THE MONITORING REPORT PROGRAM
4 PROPOSAL WAS SUBMITTED TO THE REGIONAL BOARD ON
5 TIME ON JANUARY 31ST OF 1997.

6 A SECOND PHASE OF LANDFILL GAS
7 EXTRACTION IS PLANNED FOR 1997, AND THEY'VE
8 BUDGETED HALF A MILLION FOR THAT, AND ALSO SURFACE
9 WATER MANAGEMENT IMPROVEMENTS ARE PLANNED FOR
10 1998. THAT'S THE LINING OF THE SURFACE DRAINAGE
11 CULVERTS, AND 1.5 MILLION IS EARMARKED FOR THAT.

12 SOME CLOSURE ACTIVITIES ARE ALREADY
13 IN PROGRESS AS WELL. THE PLANNED CLOSURE DATE IS
14 CURRENTLY FOR THE YEAR 2013 AT ELEVATION OF 340
15 FEET. THE CITY OF SANTA MARIA HAS BEEN PERFORMING
16 THE FOUNDATIONAL AIR CONSTRUCTION SINCE 1995 ON
17 THE INACTIVE AREA AND IS PLANNING ON CLOSING THE
18 INACTIVE PORTION OF THE LANDFILL IN 1999, WHICH IS
19 FOUR YEARS AHEAD OF THE REGIONAL BOARD REQUIRE-
20 MENTS. IN ADDITION, THE CITY IS PUTTING MONEY
21 INTO THE CLOSURE FUND AT THE SAME TIME THAT IT IS
22 SPENDING MONEY TO PERFORM CLOSURE.

23 ONE ISSUE THAT'S COME UP A NUMBER OF
24 TIMES IN SOME OF THE PREVIOUS SPEAKERS TODAY IS
25 THE ISSUE THAT ADDITIONAL SOLID WASTE WILL RESULT

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1 IN ADDITIONAL GROUNDWATER CONTAMINATION, AND THAT
2 SIMPLY IS NOT TRUE. THE -- IT APPEARS THAT A
3 SIGNIFICANT COMPONENT OF THE GROUNDWATER CONTAMI-
4 NATION IS FROM LANDFILL GAS. AND THE GAS
5 COLLECTION SYSTEM HAS RECENTLY BEEN INSTALLED. IT
6 HASN'T BEEN TURNED ON LONG ENOUGH TO EVALUATE WHAT
7 THE IMPACTS WILL BE, BUT WE ARE EXPECTING THE VOC
8 CONCENTRATIONS TO DECREASE. IF ADDITIONAL --

9 BOARD MEMBER RELIS: MR. CHAIR, COULD WE
10 STOP AT THAT POINT? I WANT TO PURSUE THAT.
11 THAT'S A REALLY CRITICAL STATEMENT YOU MADE, AND I
12 WANT TO PURSUE IT WITH YOU.

13 YOU ARE SAYING THAT YOU BELIEVE THAT
14 THE SOURCE OF GROUNDWATER CONTAMINATION IS THE
15 GAS, NOT THE LEACHATE. BECAUSE IF IT'S TRUE, AND
16 I WENT BACK AND READ THE DOCUMENTS THAT WERE GIVEN
17 OUT TO ME, WHICH I SAID EARLIER I DIDN'T KNOW THE
18 SOURCE WAS, THAT IF THERE IS WATER IN THE LOWER
19 END OF THE PILE OF THE WASTE, THEN WOULDN'T THAT
20 BE THE SOURCE?

21 MR. DOLEGOWSKI: THE -- I WAS ONE OF THE
22 AUTHORS OF THE PLUME MIGRATION DETECTION PLAN.
23 AND IN MY PROFESSIONAL OPINION, THERE IS STRONG
24 EVIDENCE FOR LEACHATE -- EXCUSE ME -- FOR LANDFILL
25 GAS IMPACTS TO THE GROUNDWATER. YOU CAN SEE THAT

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1 BY THE PREDOMINANTLY VOC CONCENTRATIONS IN THE
2 MAJORITY OF THE AREAS THAT THE ALKALINITY IS
3 ELEVATED DUE TO REACTION OF THE CARBON DIOXIDE AND
4 THE LANDFILL GAS, AND THERE'S OTHER INDICATORS
5 THAT INDICATE THAT LANDFILL GAS IS DEFINITELY
6 IMPACTING THE GROUNDWATER QUALITY. THREE OF THE
7 WELLS ALSO HAVE ELEVATED METALS.

8 IT APPEARS IN THOSE THREE WELLS,
9 WHICH ARE DIRECTLY ADJACENT TO THE TRASH, THAT
10 THERE IS A LEACHATE COMPONENT. IT'S DIFFICULT TO
11 TELL WHAT PROPORTION WOULD BE GAS OR LEACHATE, BUT
12 I AM ANTICIPATING SOME SIGNIFICANT REDUCTIONS IN
13 THE VOC'S, WHICH APPEAR TO BE THE MAIN DRIVERS FOR
14 WATER QUALITY HERE.

15 BOARD MEMBER RELIS: BUT EARLIER AN
16 ASSERTION WAS MADE AS A CONDITION IN THE PERMIT
17 THAT THERE WILL BE NO LEACHATE GENERATED, NOT
18 GENERATED, BUT AFFECTING MIGRATING LEACHATE. IS
19 IT YOUR PROFESSIONAL OPINION THAT THAT WOULD BE
20 THE CASE IF THIS PERMIT WERE APPROVED, THERE

WOULD

21 BE NO LEACHATE THAT WOULD MIGRATE?

22 MR. DOLEGOWSKI: I THINK THAT THERE MAY
23 BE A MINOR COMPONENT IN A FEW WELLS. YOU KNOW,

AS

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24 PREVIOUSLY DISCUSSED, THERE ARE A NUMBER OF
25 INVESTIGATIONS THAT HAVE BEEN PLANNED AS PART OF

1 THE MRPP-DMPPD DOCUMENTS. THOSE INVESTIGATIONS
2 ARE PLANNED. AS SOON AS WE RECEIVE COMMENTS BACK
3 FROM THE REGIONAL BOARD, THEN THEY WILL BEGIN.
4 AND THERE WILL BE -- ADDITIONAL DATA IS NEEDED TO
5 DETERMINE, YOU KNOW, WHAT -- THE EXTENT OF THE
6 IMPACTS AND WHAT WOULD BE NEEDED TO CORRECT THE
7 SITUATION.

8 BOARD MEMBER RELIS: OKAY. THAT'S PRETTY
9 VAGUE. I MEAN AFTER A LANDFILL IS OPERATED THIS
10 LONG WITH THE AMOUNT OF SCRUTINY THAT HAS GONE ON,
11 I FIND THAT STATEMENT QUITE VAGUE. I'LL JUST
12 LEAVE IT AT THAT, I GUESS.

13 MR. ZHAO: CAN I ANSWER YOUR QUESTION?
14 THE LEACHATE PROBLEM IS GENERATED BY THE FLAT
15 SURFACE OF THE LANDFILL. BY GIVE US THE PERMIT TO
16 KEEP THE LANDFILL, WE'LL SLOPE THE LANDFILL;
17 THEREFORE, WE'LL REDUCE THE LEACHATE PRODUCTION.
18 AT THIS TIME WE TALK ABOUT LEACHATE ALL THE TIME.
19 WE DON'T HAVE CONCRETE EVIDENCE THAT THIS LANDFILL
20 IS GENERATING LEACHATE. LEACHATE IS NORMALLY
21 ASSOCIATED WITH HEAVY METALS, WHICH WE DO NOT HAVE
22 AT THE LANDFILL SITE. WHAT WE HAVE AS CONTAMINA-
23 TION IS VOLATILE ORGANIC COMPOUNDS, WHICH IS
24 COMMONLY FOUND IN LANDFILL GAS. THAT'S THE REASON
25 WE SUSPECT THE LANDFILL GAS IS THE SOURCE OF

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1 CONTAMINATION.

2 BOARD MEMBER RELIS: I WOULD JUST ARGUE
3 FOR A SECOND THAT I DID -- IT WOULD TAKE ME A
4 MOMENT TO LOCATE THAT, BUT I DID FIND A REFERENCE
5 TO METALS IN ONE OF THE WATER QUALITY CONTROL
6 BOARD REPORTS. I REALIZE THIS IS NOT OUR ISSUE;
7 BUT IF YOU ASSOCIATED LEACHATE WITH METALS, I
8 THINK THEY WERE DETECTED IF I READ THAT CORRECTLY.

9 MR. ZHAO: I BELIEVE THE METAL YOU ARE
10 REFERRING TO IS MANGANESE, WHICH IS THE MOST
11 COMMON METAL IN THE SOIL. AND IF YOU LOOK BACK
12 INTO THE GROUNDWATER, THE BACKGROUND WELLS, WHICH
13 WE TAKE THE SAMPLE FROM THE RIVER RECHARGE,
14 SOMETIMES WE GET MORE MANGANESE CONCENTRATION IN
15 THE BACKGROUND WELL THAN IN THE DOWNGRAIENT WELL.

16 MR. DOLEGOWSKI: IT CAN BE HARD TO TELL
17 THE DIFFERENCE, SIR. WITH THE LANDFILL GAS,
18 USUALLY THE -- THAT REDUCES THE PH. AND ALSO THEN
19 AS A RESULT OF INCREASING THE CONCENTRATIONS OF
20 IRON AND MANGANESE. SO I THINK THE PRUDENT
21 APPROACH IS TO CONTINUE TO EXPAND THE GAS SYSTEM
22 AND THEN MONITOR THE GROUNDWATER FOR IMPACTS TO
23 SEE IF THE WATER QUALITY IS IMPROVING.

24 ADDITIONAL DRY WASTE ALSO WILL HELP
25 TO REDUCE FUTURE LEACHATE GENERATION AND INCREASE

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1 THE EFFICIENCY OF THE GAS EXTRACTION SYSTEM. THIS
2 ADDITIONAL WASTE IS NEEDED TO CREATE THE FINAL
3 SURFACE GRADES FOR THE REQUIRED FINAL SLOPES THAT
4 MINIMIZE INFILTRATION.

5 BOARD MEMBER RELIS: COULD WE JUST STOP
6 THERE AGAIN? ONE MORE POINT. MAYBE JUST FOR THE
7 RECORD, AND I REALIZE THIS IS A FISCAL ISSUE, BUT
8 WASTE IS NOT -- I DO AGREE WITH AN EARLIER
9 STATEMENT. WASTE IS NOT CRITICAL TO REACHING THE
10 SLOPE. IT'S WHATEVER -- THAT COULD BE EARTH
11 BROUGHT IN TO BRING THE LANDFILL INTO COMPLIANCE
12 FROM A SLOPE STANDPOINT. THAT MAY NOT BE
13 COST-EFFECTIVE, BUT TECHNICALLY WHETHER IT'S WASTE
14 OR WHETHER IT'S EARTH, IT COULD REACH THE REQUIRED
15 SLOPE, WOULDN'T IT?

16 MR. DOLEGOWSKI: YES. YOU CAN BOTH WAYS.
17 YOU WANT TO RESPOND TO THAT, JOHN?

18 BOARD MEMBER RELIS: I JUST WANT THAT
19 CLARIFIED.

20 MR. ZHAO: YES, YOU ABSOLUTELY RIGHT.
21 YOU CAN USE ANYTHING TO MAKE A SLOPE, EVEN
22 CONCRETE, BUT IT'S COST-EFFECTIVE WAY AND IT'S
23 COST BENEFIT. WE PERFORM STUDY AFTER STUDY, SHOWS
24 THAT BY KEEPING PILING UP WITH DRY GARBAGE, WHICH
25 IT HAS A RATE OF ABSORBING LIQUIDS. AND IN

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1 SOUTHERN CALIFORNIA IT IS VERY COMMON THAT YOU DO
2 NOT GENERATE LEACHATE BY GARBAGE ITSELF. AND MOST
3 LEACHATE IS GENERATED BY INFILTRATION OF RAIN-
4 WATER. THEREFORE, BY SLOPING, IT WILL REDUCE THE
5 POTENTIAL OF RAINWATER INFILTRATION AND, THEREBY,
6 REDUCE PRODUCTION OF LEACHATE.

7 MR. DOLEGOWSKI: THE LAST ISSUE IS THAT
8 THE POTENTIAL IMPACTS FROM THE ADJACENT RIVER ARE
9 NOT REDUCED BY A LOWER HEIGHT LIMITATION. THE
10 BASE OF THE LANDFILL IS SET. IT CANNOT BE
11 CHANGED. EXPANDING VERTICALLY DOESN'T HAVE ANY
12 IMPACT ON THE BASE OF THE LANDFILL.

13 THE CITY IS FOCUSING ON ENVIRON-
14 MENTAL COMPLIANCE. THERE'S A LOT OF WORK THAT'S
15 IN PROGRESS. THE CITY OF SANTA MARIA LANDFILL IS
16 EXPERIENCING ISSUES SIMILAR TO MANY LANDFILLS IN
17 THESE ALLUVIAL SETTINGS. THEY'RE WORKING TO FIX
18 THE ENVIRONMENTAL CONSEQUENCES OF PAST

OPERATIONAL

19 PROCEDURES THAT WERE APPROVED AT THE TIME, AND
20 THEY HAVE ADOPTED A PROACTIVE APPROACH TO
21 MITIGATING THESE ENVIRONMENTAL IMPACTS, AND THEY
22 ARE EAGER TO SOLVE THE PROBLEM AS YOU ARE.

23 A REALLY CRITICAL ISSUE FOR THE
CITY

24 IS THAT LIMITING THE FINAL ELEVATION TO 325 FEET

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25 RESULTS IN A LOSS OF NEEDED REVENUES. THE HEIGHT

LIMITATION WOULD RESULT IN LOSS OF MILLIONS OF REVENUE WHICH IS NEEDED TO FUND THE CLOSURE/ POSTCLOSURE AND CORRECTIVE ACTION FUNDS. THE NET RESULT IS THAT THE LANDFILL WOULD CLOSE IN THE YEAR 2010 INSTEAD OF 2013.

AND LIMITING THE FINAL ELEVATION TO 325 WOULD BE INCONSISTENT WITH THE WDR'S, COULD RESULT IN HIGHER TIPPING FEES TO ACCOUNT FOR LOST REVENUE, AND COULD POTENTIALLY AFFECT THE VIABILITY OF THE CONTINUED OPERATION OF THE LANDFILL. THE CITY HAS AGREED TO DEPOSIT ADDITIONAL FUNDING INTO THE CLOSURE FUND TO ADDRESS THE WASTE BOARD CONCERNS. SO THEY URGE YOU TO VOTE IN FAVOR OF ADOPTING THIS PERMIT. THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU.

QUESTIONS OF MR. DOLEGOWSKI?

BOARD MEMBER FRAZEE: YOUR PRESENTATION INDICATED THAT SEVEN OF THE EIGHT PROVISIONS OF THE CAO HAVE BEEN COMPLETED. WOULD YOU DESCRIBE THE EIGHTH ONE OF THOSE AND HOW THAT --

MR. DOLEGOWSKI: THAT'S G, REVISED REPORT
OF WASTE DISCHARGE. JOHN, WOULD YOU LIKE TO TALK
ABOUT THAT?

MR. ZHAO: THAT'S THE REVISED ROWD, WHICH

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EQUIVALENT TO THE RDSI, WHICH IS REQUIRED TO BE
REVISED EVERY FIVE YEARS.

BOARD MEMBER FRAZEE: SO THAT'S A
TECHNICAL REQUIREMENT, NOT A PHYSICAL?

MR. ZHAO: NO. NO. THAT'S JUST A REPORT. IT'S VERY SIMILAR TO THE RDSI WE SUBMIT TO THE WASTE BOARD, AND THE DUE DATE IS THE END OF THIS YEAR. AND WE ARE WELL ON THE WAY, AND WE HAVE NO REASON TO BELIEVE THAT WE WILL NOT MEET THE DATE.

BOARD MEMBER FRAZEE: SO THEN YOU ARE SAYING ALL OF THE OTHER PROVISIONS OF THE CAO HAVE BEEN COMPLETED?

MR. ZHAO: YES, SIR.

CHAIRMAN PENNINGTON: OKAY. NEXT WE HAVE
MR. JOHN ZHAO.

MR. ZHAO: I'LL JUST ANSWER ANY QUESTIONS
THAT YOU HAVE. I GUESS SAME GOES WITH OUR CITY
ATTORNEY, ART MONTANDON.

CHAIRMAN PENNINGTON: OKAY. WE'LL CALL
ON MR. ART MONTANDON.

MR. MONTANDON: HONORABLE CHAIRMAN AND BOARD MEMBERS, I'M HERE JUST TO RESPOND TO ANY QUESTIONS YOU MAY HAVE REGARDING ANY ISSUE RAISED.

CHAIRMAN PENNINGTON: ALL RIGHT. VERY

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1 GOOD. OKAY. ANY QUESTIONS OF THESE PEOPLE? IF
2 NOT --

3 BOARD MEMBER JONES: MR. CHAIRMAN, I WANT
4 TO SAY JUST A COUPLE OF THINGS ON THIS ISSUE SINCE
5 IT WAS MY MOTION AT THE PERMITS COMMITTEE THAT --
6 FOR NONCONCURRENCE. THAT WILL NOT BE THE MOTION
7 THAT I MAKE TODAY. THE MOTION THAT I MAKE TODAY
8 WILL BE FOR CONCURRENCE.

9 I HAD -- WE HAD -- I THINK THE
10 COMMITTEE, AND I DON'T WANT TO SPEAK FOR THE OTHER
11 COMMITTEE MEMBERS, BUT I THINK IT'S IMPORTANT FOR
12 THE REST OF THE BOARD TO KNOW THAT THE MAIN ISSUE
13 THAT CAME UP AS PART OF THAT -- PART OF THIS
14 NORMAL HEARING WAS THE STIPULATED ORDER TO AN
15 ELEVATION OF 325 FEET. AND AS BOARD MEMBERS, I
16 THINK WE HAVE TO MAKE POLICY THAT PROTECTS THE
17 RESIDENTS OF THE STATE OF CALIFORNIA. AND I THINK
18 THAT'S WHAT WE DID BY REFERRING TO 44009, SAYING
19 THAT BECAUSE THERE WAS A STIPULATED ORDER, WE
20 NEEDED TO MAKE SURE THAT WE HAD CLOSURE FUNDING
21 BASED ON THAT 325 ELEVATION IRREGARDLESS IF THEY
22 ARE IN COMPLIANCE WITH THE STIPULATED ORDER TO
23 GO
24 TO 340. WE WANTED TO MAKE SURE WE DIDN'T HAVE A
25 \$3 MILLION SHORTFALL. SO I JUST NEED THE BOARD
 MEMBERS TO UNDERSTAND THAT WAS WHY I MADE THE

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1 MOTION. THOSE WERE THE ARGUMENTS I MADE.

2 AND THE COMMENTS THAT HAVE COME UP
3 TODAY, YOU KNOW, I -- I MEAN I'M AMAZED. I'M AN
4 EQUAL TREATMENT-TYPE PERSON. AND I BELIEVE WHAT'S
5 GOOD FOR ONE IS GOOD FOR ANOTHER. WHEN MR. JOHN
6 ZHAO OF THE CITY WAS GETTING UPSET WITH ME AT THE
7 PERMIT COMMITTEE AND KIND OF THREATENED OR DIDN'T
8 THREATEN BUT INDICATED THAT I WAS OBVIOUSLY
9 CARRYING THE WATER FOR THE OPERATOR OR WORDS TO
10 THAT EFFECT, I TRIED TO MAKE HIM VERY CLEAR THAT,
11 IN FACT, WHAT I WAS TRYING TO DO WAS PROTECT THE
12 INTEGRITY OF THE CLOSURE AND POSTCLOSURE FUND. HE
13 UNDERSTANDS THAT.

14 TODAY I UNDERSTAND THERE'S AN
15 INFERENCE THAT THERE'S DEALS MADE BEHIND CLOSED
16 DOORS. SO BEING AN EQUAL OPPORTUNITY BOARD
17 MEMBER, I WANT PEOPLE TO KNOW THAT IS NOT CASE.
18 RIGHT IS RIGHT; WRONG IS WRONG. THIS WAS WRONG AT
19 340 WITH CLOSURE FUNDING AT 340. THE FACT THAT
20 THE CLOSURE FUNDING IS AT 325, I FEEL COMFORTABLE
21 THAT WE'VE PROTECTED THE STATE OF CALIFORNIA'S
22 RESIDENTS AS WELL AS THE CITY OF SANTA MARIA.

23 I CALLED STAFF AFTER THIS MEETING
24 AND TOLD THEM I APPRECIATED THE EFFORT AND THE
JOB
25 THAT THEY HAD DONE IN THEIR PRESENTATION TO

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THE

1 PERMITS COMMITTEE. I THOUGHT THEY DID EXACTLY
2 WHAT STAFF IS SUPPOSED TO DO, PRESENT AN ITEM
3 BASED ON THE LAW, BASED ON WHAT'S IN STATUTE.

AND

4 I THINK THIS BOARD'S JOB IS TO INTERPRET AND
MAKE

5 POLICY. AND I WANT TO THANK OUR STAFF. I WANT
TO

6 THANK THE CITY OF SANTA MARIA. I THINK THEIR
7 ACTIONS SHOW THAT THEY ARE PREPARED TO MAKE SURE
8 THAT THIS THING STAYS IN COMPLIANCE.

9 AND I'M GOING TO MAKE A MOTION
THAT

10 WE CONCUR WITH PERMIT -- AND I APPRECIATE -- OH,
I

11 WISH -- I WISH THAT CONDITION WOULD HAVE BEEN
12 THERE THAT DAY AND WE WOULDN'T HAVE GONE THROUGH
13 THIS EXERCISE. I THINK THE EXERCISE IS GOOD. I
14 THINK IT'S GOOD POLICY, AND I THINK IT MAKES A
LOT

15 OF SENSE, AND I THINK IT REINFORCES THE FACT
THAT

16 THIS BOARD IS NOT JUST A RUBBER STAMP. SO I
WOULD

17 MAKE A MOTION THAT WE CONCUR WITH PERMIT
DECISION

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18 97-177 IN CONCURRENCE.

19 BOARD MEMBER FRAZEE: SECOND THAT.

20 CHAIRMAN PENNINGTON: MR. FRAZEE
SECONDS.

21 MR. CHESBRO.

22 BOARD MEMBER CHESBRO: I HAVE A
QUESTION

23 FOR COUNSEL AND THEN SOME COMMENTS. SOMEONE
SAID

24 EARLIER THAT IF THE BOARD WERE TO NOT APPROVE
THIS

25 PERMIT, THAT IT'S NOT OPERATING UNDER THE 60-DAY

1 TIME FRAME, SO IT WOULDN'T AUTOMATICALLY BECOME
2 APPROVED AT THE END OF 60 DAYS; IS THAT CORRECT?
3 AND WHY IS THAT?

4 MS. TOBIAS: IF THE APPLICANT WAS NOT IN
5 COMPLIANCE WITH THE REGIONAL BOARD'S ORDER, THE
6 BOARD WOULD NOT HAVE TO ACT. THEY'RE BASICALLY
7 STAYED DURING THAT TIME, SO IT WOULDN'T BE DEEMED
8 APPROVED. I WOULD WANT THE BOARD TO MAKE THAT
9 KIND OF FINDING IN THEIR MOTION SO IT WOULD BE
10 CLEAR TO THE PUBLIC.

11 BOARD MEMBER CHESBRO: I'M TRYING TO GET
12 TO THE BOTTOM OF WHAT A FAILURE -- I HAVE NO IDEA
13 WHAT'S GOING TO HAPPEN WHEN THIS VOTE HAPPENS.
14 DON'T GET ME WRONG. BUT IF THERE WERE FAILURE TO
15 OBTAIN FOUR AFFIRMATIVE VOTES FOR THIS MOTION,
16 WHERE WOULD THAT LEAVE THE LANDFILL RELATIVE TO
17 ITS STANDING?

18 MS. TOBIAS: WELL, AT THIS TIME IF YOU
19 DIDN'T RECEIVE FOUR AFFIRMATIVE VOTES, IT WOULD BE
20 DEEMED APPROVED IN 60 DAYS BECAUSE, AS FAR AS I
21 UNDERSTAND, BASED ON THE EVIDENCE THAT'S BEEN
22 PRESENTED IN THE RECORD THUS FAR, I UNDERSTAND
23 THAT STAFF TALKED TO THE REGIONAL BOARD ON WHAT
24 DATE?

25 MR. DIER: I ASKED STAFF TO CONTACT THE

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1 REGIONAL BOARD, IT WAS ON MAY 20TH, AND WE
2 SPECIFICALLY ASKED THEM IF THEY WERE IN
COMPLIANCE

3 WITH THE CLEANUP AND ABATEMENT ORDER. AND THE
4 RESPONSE WAS, YES, THEY ARE.

5 MS. TOBIAS: SO WITH THAT FINDING, THEN
6 BASICALLY IF THEY DID NOT RECEIVE FOUR
AFFIRMATIVE

7 VOTES, THE PROJECT WOULD BE DEEMED APPROVED IN
60
8 DAYS.

9 BOARD MEMBER RELIS: COULD I ASK A
10 CLARIFICATION? WHEN YOU SAY YES, IS THAT A
VERBAL
11 STATEMENT, OR IS THAT A WRITTEN? I MEAN THAT'S
A
12 VERY IMPORTANT STATEMENT, DON, THAT YOU JUST
MADE.

13 WE DON'T HAVE ANYTHING BEFORE US.

14 MR. DIER: IT'S VERBAL IN A TELEPHONE
15 CONVERSATION.

16 BOARD MEMBER RELIS: WITH WHOM?

17 MR. DIER: TERRY SMITH AND BILL ARKFELD
18 FROM THE CENTRAL COAST REGIONAL WATER QUALITY
19 CONTROL BOARD.

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20 BOARD MEMBER RELIS: YET THAT'S A
21 DISPUTED POINT HERE AS I UNDERSTAND IT.
22 MR. DIER: I BELIEVE HE MENTIONED IT AT
23 COMMITTEE ALSO, SO IT'S ON THE RECORD THERE.
AND
24 WE FOLLOWED UP A WEEK AFTER THE COMMITTEE TO
25 VERIFY THAT IF ANYTHING HAD CHANGED AND, NO, IT

1 HADN'T.

2 MS. TOBIAS: THAT WAS MY UNDERSTANDING,
3 MR. RELIS, THAT HE DID SAY THAT AT THE MEETING.
4 MY SENSE IS THAT WHEN HE ORIGINALLY SENT THAT
5 LETTER SAYING IT WAS IN CONFLICT WAS THAT HE WAS
6 TALKING ABOUT THE 325 AND THE 340, NOT A
CONFLICT

7 IN TERMS OF NOT BEING IN COMPLIANCE WITH THE
8 ORDER. BUT I WILL AGREE IT'S BEEN DIFFICULT TO
9 GET THIS VERIFIED AND SHOULDN'T, YOU KNOW, BE
THAT
10 DIFFICULT TO GET THAT.

11 AT THIS TIME, AS FAR AS LEGAL
12 OPINION, I'M SATISFIED THAT THERE IS NOT -- THAT
13 THEY ARE IN COMPLIANCE WITH THAT ORDER AT THIS
14 TIME.

15 BOARD MEMBER CHESBRO: OKAY. NOW I
HAVE
16 SOME COMMENTS, MR. CHAIRMAN, UNLESS SOMEBODY
ELSE

17 WANTS TO ASK COUNSEL FURTHER ABOUT THAT.

18 CHAIRMAN PENNINGTON: NO, GO AHEAD, MR.
19 CHESBRO.

20 BOARD MEMBER CHESBRO: I ALSO AM
PLEASED

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21 WITH THE NEW CLOSURE FUND CONDITION O, AND I
WANT

22 TO COMMEND THE COMMITTEE MEMBERS AND THE STAFF
AND

23 THE LEA AND THE OPERATOR FOR THAT.

24 BUT FROM MY POINT OF VIEW, THE
25 ISSUES AT THE LANDFILL GO WELL BEYOND THE
QUESTION

1 OF ADEQUATE FUNDING OF CLOSURE FUND. TO ME,
2 LOOKING AT THE HISTORY AND THE LOCATION OF THIS
3 LANDFILL, IT'S A BAD LANDFILL FOR A WIDE VARIETY
4 OF REASONS. AND IN SPITE OF THE FACT THAT THE
5 CITY, I THINK, IS TRYING VERY HARD TO BRING IT
6 INTO COMPLIANCE. IT'S NOT CASTING ASPERSIONS AT
7 THE -- SOMEBODY ONCE THOUGHT I WAS SERIOUS WHEN I
8 SAID THAT, BY THE WAY. THAT'S SUPPOSED TO BE A
9 JOKE -- CASTING ASPERSIONS AT THE APPLICANT.

10 THE BIGGEST ISSUE FOR ME IS THAT
THE

11 PERMIT, I THINK, IS PREMATURE GIVEN THE FACT
THAT

12 THE GAS SYSTEM HAS NOT BEEN DEMONSTRATED TO BE
13 EFFECTIVE. AND WHILE THEY CERTAINLY HAVE TAKEN
14 THE STEPS TO BE IN COMPLIANCE AND HAVE
IMPLEMENTED

15 IT, AND I COMMEND THE CITY FOR THAT, IN PAST
16 LANDFILLS THAT HAVE BEEN BEFORE US, I'VE SAID,
17 WELL, IF THOSE STEPS ARE BEING TAKEN, THEN
THAT'S

18 ADEQUATE FOR ME IN TERMS OF GETTING THE ENFORCE-
19 MENT GOING, GETTING THE COMPLIANCE GOING.

20 THE PROBLEM HERE IS THAT I SEE
THAT

21 THERE SEEMS TO BE A STRONG LINKAGE BETWEEN THE

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GAS

22 GENERATION AND THE WATER QUALITY PROBLEMS. IN

23 ADDITION TO USUAL GAS PROBLEMS, THERE'S A

LINKAGE

24 BETWEEN THE GENERATION OF GAS AND THOSE WATER

25 QUALITY PROBLEMS. AND SO I FEEL THAT THE

PROBLEMS

1 AT THIS LANDFILL ARE SO SEVERE, IN SPITE OF THE
2 CITY'S STRONG PROACTIVE RECENT STEPS, THAT UNTIL
3 THAT GAS SYSTEM HAS BEEN SHOWN TO BE BEING
4 EFFECTIVE IN EXTRACTING THAT GAS OUT, AUTHORIZING
5 ADDITION OF MORE WASTE TO THE LANDFILL HAS A VERY
6 REAL POTENTIAL OF EXACERBATING THE PROBLEM THAT IS
7 ALREADY THERE.

8 I DON'T DOUBT, BASED ON THE QUESTION
9 I ASKED AT THE COMMITTEE MEETING AND I'VE ASKED OF
10 STAFF SINCE, THAT THERE'S A PRETTY FAIR CHANCE
11 THAT, GIVEN THE HISTORY OF THESE SYSTEMS, THAT IT
12 WILL BE DEMONSTRATED TO BE EFFECTIVE AND THAT THE
13 GAS WILL -- THE GAS LEVEL WILL GO DOWN IN THE
14 LANDFILL. THAT HASN'T HAPPENED YET. AND SO TO
15 ME, GIVEN THE SEVERITY OF THE ENVIRONMENTAL
16 PROBLEMS THERE, I JUST SEE THE PERMIT AS
17 PREMATURE.

18 CHAIRMAN PENNINGTON: THANK YOU. ANY
19 OTHER COMMENTS OR DISCUSSION? IF NOT, WE HAVE A
20 MOTION ON THE FLOOR TO APPROVE THE PERMIT. WILL
21 THE SECRETARY CALL THE ROLL?

22 BOARD SECRETARY: BOARD MEMBER CHESBRO.

23 BOARD MEMBER CHESBRO: NO.

24 BOARD SECRETARY: FRAZEE.

25 BOARD MEMBER FRAZEE: AYE.

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1 BOARD SECRETARY: GOTCH.

2 BOARD MEMBER GOTCH: I'M TORN. WHAT I'M
3 DOING IS I'M TRYING TO WEIGH WHAT WOULD BEST
4 ACCOMPLISH RECTIFYING THE HEALTH, SAFETY, AND THE
5 ENVIRONMENT BY EITHER GRANTING OR DENYING THE
6 PERMIT. AND I GUESS THAT MY HEART SAYS NO. SO
7 NO.

8 BOARD SECRETARY: JONES.

9 BOARD MEMBER JONES: AYE.

10 BOARD SECRETARY: RELIS.

11 BOARD MEMBER RELIS: MR. CHAIR, I HAVE A
12 STATEMENT. OKAY. THERE'S NO QUESTION THAT THIS
13 LANDFILL IS SITUATED IN THE WRONG PLACE. I THINK
14 THAT HAS BEEN STATED AND PROVEN CONVINCINGLY. THE
15 WATER CONTAMINATION PROBLEMS ARE REAL. THEY'RE
16 NOT OUR PROBLEM DIRECTLY. THE STATE REGIONAL
17 WATER QUALITY CONTROL BOARD HAS AUTHORIZED A
18 VERTICAL EXPANSION TO A HEIGHT OF 325 FEET WITH A
19 POSSIBLE EXPANSION TO 340, SUBJECT TO THE CAO.

20 IT'S UNCLEAR TO ME WHY THE BOARD
21 AUTHORIZED THE VERTICAL EXPANSION GIVEN THE
22 UNDERLYING DOCUMENTED POLLUTION; BUT AFTER 1994, I
23 BELIEVE THAT WAS THE YEAR, AND THE PASSAGE OF
24 AB 1220 ADOPTED BY THE LEGISLATURE, SIGNED BY THE
25 GOVERNOR, WATER CONCERNS WERE REMOVED FROM OUR

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1 PURVIEW. AND SINCE THAT TIME, I HAVE REFRAINED
2 FROM PURSUING WATER ISSUES AS I DID PRIOR TO
3 AB 1220 ENACTMENT.

4 THIS SANTA MARIA PERMIT RAISES
5 QUESTIONS, THOUGH, IN MY MIND ABOUT THE NEED FOR
6 BETTER COORDINATION BETWEEN WATER AND WASTE ISSUES
7 UNDER THE 1220 FRAMEWORK. IF EVER THERE HAS BEEN
8 ONE, THIS IS THE LANDFILL THAT'S DONE THAT. I
9 HAVE GREAT CONCERNS OVER THE CONTINUED OPERATION
10 OF THIS LANDFILL WITH ITS UNDERLYING PROBLEMS, BUT
11 I CANNOT FIND WITHIN OUR PURVIEW REASONS TO DENY
12 IT BECAUSE THEY ARE THE AREA OF THE WATER BOARD.
13 AT THE SAME TIME THE REASONS ARE SO OVERWHELMING
14 FOR ME THAT I'M GOING TO ABSTAIN FROM THIS VOTE
15 BECAUSE I CAN'T FIND REASONS TO DENY IT AND AS A
16 MATTER OF BELIEF I CANNOT FIND WAYS TO SUPPORT IT.
17 SO I'M ABSTAINING.

18 CHAIRMAN PENNINGTON: OKAY.

19 BOARD SECRETARY: CHAIRMAN PENNINGTON.

20 CHAIRMAN PENNINGTON: AYE.

21 BOARD MEMBER JONES: MR. CHAIRMAN, MAY I
22 MAKE A COMMENT AND HOPE THAT MY OTHER BOARD
23 MEMBERS WILL -- MAYBE I'LL MAKE ANOTHER MOTION ON
24 THIS THING. YOU KNOW, I -- I THINK AB 1220 IS
25 VERY CLEAR. I DON'T PARTICULARLY ENJOY THE FACT

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1 THAT WE CAN'T LOOK AT WATER ISSUES, BUT IT IS IN
2 LAW. THIS WOULD HAVE BEEN A PERFECT PERMIT TO
3 HAVE TAKEN FORWARD TO THE LEGISLATURE AND EXPLAIN
4 TO THEM WHY WE NEED TO HAVE A WIDER RANGE OF
5 PURVIEW OVER PERMITS, BUT WE DON'T HAVE THAT. IT
6 DOESN'T EXIST.

7 I FOUND ONE ITEM IN THE STATUTE THAT
8 GAVE A BOARD THE RIGHT TO NOT CONCUR WITH A
9 PERMIT, AND THAT WAS THE FINANCIAL ASSURANCES
10 BASED ON THE ELEVATIONS, AS I INTERPRET IT. THE
11 WATER ISSUES WERE NOT PART OF IT. NONE OF THE
12 OTHER ISSUES, THE AIR QUALITY ISSUES CANNOT BE
13 PART OF IT. IT HAS TO BE A SOLID WASTE DECISION.

14 I THINK THAT THIS BOARD DOES A
15 DISSERVICE BY ADDRESSING AN ISSUE, MAKING A
16 POLICY, LETTING PEOPLE UNDERSTAND THAT, IN FACT,
17 WE ARE GOING TO PROTECT THE PUBLIC HEALTH AND
18 SAFETY. WE USED THAT PART OF THE STATUTE TO
19 ENSURE THAT WE ARE GOING TO USE THAT PART OF
20 THE -- THAT WE ARE GOING TO ENSURE THE HEALTH AND
21 SAFETY.

22 I THINK THERE ARE WATER ISSUES HERE,
23 BUT I GOT TO TELL YOU SOMETHING. THERE'S WATER
24 ISSUES ALL OVER THE STATE OF CALIFORNIA THAT WE
25 NEED TO DEAL WITH, AND I KNOW BECAUSE I RAN SOME

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1 OF THOSE LANDFILLS. YOU GOT TO DEAL WITH THEM.
2 YOU GOT TO BE ABLE TO OPERATE A LOT OF TIMES JUST
3 TO BE ABLE TO ACCOMPLISH MINIMIZING THE IMPACTS TO
4 THE WATER QUALITY.

5 YOU KNOW, IF WE DIDN'T GIVE PERMITS
6 EVERY TIME THERE WAS SOME BIT OF POLLUTION
7 SOMEWHERE AND WALKED AWAY FROM THOSE SITES, WE'D
8 NEVER GET ANYTHING DONE. YOU KNOW, PART OF WHAT
9 WE DO HERE AND PART OF WHAT WE HAVE TO PROMOTE
10 HERE IS THAT SOUND ENGINEERING AND OPERATIONAL
11 LANDFILL INCLUDES THE NEXT STAGES AND WHERE YOU GO
12 AND HOW YOU BUILD A LANDFILL TO MINIMIZE POLLUTION
13 AND THOSE TYPES OF ISSUES.

14 I KNOW THERE'S A TOUGH ISSUE FOR A
15 LOT OF BOARD MEMBERS, BUT I COULD ONLY FIND ONE
16 PIECE IN OUR STATUTES TO OBJECT TO THIS PERMIT.
17 AND THAT WAS I WAS OBJECTING TO THE 340 BASED ON
18 A -- BASED ON A STIPULATED ORDER -- ON A CLEANUP
19 AND ABATEMENT. THAT'S WHY I ASKED FOR
20 NONCONCURRENCE.

21 THAT'S BEEN ADDRESSED. I MEAN THEY
22 PUT A CONDITION IN THAT SAID THEY WOULD NOT GO
23 OVER 325 FEET. I JUST THINK IT IS CRITICALLY
24 IMPORTANT THAT WE NOT ONLY SEND OUT A MESSAGE,
BUT
25 THAT WE UNDERSTAND OUR ROLES AND THAT WE DO THE

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1 PEOPLE'S BUSINESS. AND I DON'T KNOW WHAT YOU DO
2 IN SITUATIONS LIKE THAT. I'M NEW TO THIS STUFF,
3 BUT I'M LEARNING, HUH.

4 I MEAN I DON'T KNOW IF WE CAN MAKE
5 ANOTHER MOTION. I DON'T KNOW IF ONE OF THE OTHER
6 BOARD MEMBERS WANTS TO RECONSIDER. I DON'T KNOW.
7 I JUST THINK THAT WE REALLY NEED TO MAKE A
8 DECISION. THREE THREE IS LIKE KISSING YOUR
9 SISTER.

10 CHAIRMAN PENNINGTON: WE DON'T EVEN
HAVE

11 THREE THREE, MR. JONES.

12 QUESTION: IS THERE SOMETHING THAT
13 WE COULD AMEND THIS PERMIT THAT WOULD MAKE IT
MORE

14 SATISFACTORY TO THE BOARD MEMBERS?

15 MR. CHANDLER: WELL, LET'S MAKE SURE
16 WE'RE CLEAR. THE VOTE IS THREE TWO, ONE
17 ABSTENTION. THE PERMIT IS DEEMED CONCURRED IN
IN
18 60 DAYS. IS THAT NOT CORRECT, COUNSEL? I THINK
19 YOUR ONLY OPTION IS TO ASK THE LEA TO WITHDRAW
THE
20 PERMIT. WHY WOULD THEY DO THAT?

21 BOARD MEMBER JONES: THEY GET A PERMIT
IN

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22 60?

23 MR. CHANDLER: I THINK THAT'S IMPORTANT

24 TO GET ON THE RECORD FOR ANYBODY IN THE AUDIENCE

25 WHO'S NOT CLEAR ON HOW THE STATUTE GOVERNS THIS

1 BOARD'S VOTING PROCEDURES. YOU'VE TAKEN A VOTE.
2 UNLESS SOMEBODY WANTS TO CONTINUE THE DIALOGUE,
3 YOU HAVE A VOTE ON THE MOTION.

4 CHAIRMAN PENNINGTON: NO. I JUST THOUGHT
5 IF SOMEBODY WANTED TO COME UP --

6 BOARD MEMBER CHESBRO: I WOULD SAY THAT
7 THE TIME SINCE I'VE BEEN ON THIS BOARD THAT WE'VE
8 HAD THREE-THREE SPLITS ON PERMITS, THAT THE LACK
9 OF ACTION, EVEN THOUGH SHOULD HAVE RESULTED IN NO
10 PERMIT IN MY OPINION, HAS BEEN VINDICATED, AND SAN
11 MARCOS LANDFILL IN SAN DIEGO COUNTY IS PROBABLY
12 THE BIGGEST EXAMPLE I CAN THINK OF. I THINK THE
13 ACTION WE TOOK AT THAT TIME, AT LEAST THOSE OF US
14 WHO VOTED AGAINST IT, HAS BEEN REINFORCED MANY,
15 MANY TIMES THAT THAT WAS THE RIGHT VOTE.

16 AND, YOU KNOW, I DON'T VOTE NO
17 AGAINST THESE LANDFILLS LIGHTLY. I WOULD LIKE TO
18 SEE -- I AGREE WITH MR. JONES, THAT WE SHOULD BE
19 TRYING TO FIX THEM. AND ACTUALLY MY INTENTION, IF
20 I HAD THE MAJORITY HERE, WOULD BE TO SAY TO THEM,
21 "LET'S HAVE THIS BACK BEFORE US WHEN WE'VE HAD
22 SOME TIME TO TEST THIS GAS SYSTEM." SO I'M NOT
23 SAYING THAT I'M AGAINST THIS LANDFILL UNDER ANY
24 CIRCUMSTANCES, BUT I'VE SAID REPEATEDLY THAT I
25 BELIEVE THAT WE OUGHT TO BE TRYING TO DRIVE

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1 COMPLIANCE THROUGH OUR PERMIT PROCESS, AND THAT'S
2 WHERE I'M AT.

3 MR. CUPPS: MR. CHAIRMAN, COULD I JUST
4 MAKE A VERY BRIEF COMMENT JUST FOR THE RECORD?

5 CHAIRMAN PENNINGTON: I DON'T THINK IT'S
6 NECESSARY. WE'VE VOTED.

7 WE'RE GOING TO MOVE ON TO ITEM NO.
8 42, CONSIDERATION OF THE ADOPTION OF THE NEGATIVE
9 DECLARATION AND THE PROPOSED REGULATIONS FOR
10 NONHAZARDOUS ASH OPERATIONS AND FACILITIES.

11 MS. RICE: THANK YOU, MR. CHAIRMAN.
12 ALLISON REYNOLDS AND ELLIOT BLOCK WILL MAKE THE
13 PRESENTATION FOR STAFF.

14 MS. REYNOLDS: GOOD AFTERNOON, CHAIRMAN
15 AND BOARD MEMBERS. THE PURPOSE OF THIS ITEM IS TO
16 BRING FORTH FOR CONSIDERATION BY THE BOARD TO
17 ADOPT THE NEGATIVE DECLARATION AND THE PROPOSED
18 REGULATIONS FOR NONHAZARDOUS ASH OPERATIONS AND
19 FACILITIES.

20 AT THE APRIL 15TH COMMITTEE MEETING,
21 THE COMMITTEE DIRECTED STAFF TO CIRCULATE THE
22 PROPOSED REGULATIONS FOR A 15-DAY COMMENT PERIOD.
23 STAFF MAILED THE REGULATION PACKAGE TO OVER 300
24 INTERESTED PARTIES, INCLUDING AGRICULTURE
25 COMMISSIONERS, THE ASH WORKING GROUP, LEA'S, AND

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1 INDUSTRY REPRESENTATIVES.

2 AS A RESULT, STAFF RECEIVED 11
3 COMMENT LETTERS, EIGHT OF WHICH WERE IN SUPPORT OF
4 THE REGULATIONS AS WRITTEN AND THREE WHICH
5 RECOMMENDED CHANGES. FOR EXAMPLE, ONE COMMENTER
6 REQUESTED THE OPERATOR OF RECLAMATION AND LAND
7 APPLICATION PROJECTS MAINTAIN HEAVY METALS TEST
8 RESULTS. ANOTHER COMMENTER SUGGESTED REQUIRING A
9 STANDARDIZED PERMIT FOR TRANSFER PROCESSING
10 OPERATIONS. NONE OF THE COMMENT RECOMMENDATIONS
11 RESULTED IN CHANGES WHICH WOULD REQUIRE AN
12 ADDITIONAL 15-DAY COMMENT PERIOD.

13 THE PROPOSED NEGATIVE DECLARATION
14 AND SUPPORTING DOCUMENT PACKAGE WAS SUBMITTED TO
15 THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH ON
16 APRIL 15TH, STARTING THE 30-DAY COMMENT PERIOD,
17 WHICH CONCLUDED ON THE 15TH OF THIS MONTH. NO
18 COMMENTS WERE RECEIVED. A CORRECTED TIERING
19 REFERENCE CHART, WHICH WAS INCLUDED IN THE DRAFT
20 REGULATIONS PACKAGE, IS LOCATED ON THE BACK TABLE
21 AND WILL BE INCLUDED IN THE VERSION OF THE REGU-
22 LATIONS TO BE ADOPTED BY THE OFFICE OF ADMINISTRA-
23 TIVE LAW.

24 STAFF RECOMMENDS THAT THE BOARD
25 CHOOSE OPTION NO. 1, TO APPROVE THE NEGATIVE

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1 DECLARATION REGULATIONS. THIS CONCLUDES MY
2 PORTION OF THE PRESENTATION.

3 MR. BLOCK: IN ADDITION, BEFORE THE BOARD
4 MEETING, YOU WERE DISTRIBUTED A COPY OF A DRAFT
5 LEA ADVISORY, AND THERE WERE EXTRA COPIES PUT ON
6 THE BACK TABLE. BASED ON DIRECTION FROM LAST
7 MONTH, THAT WE COME BACK TO THE BOARD THIS MONTH
8 WITH A DRAFT AT WHAT AN LEA ADVISORY MIGHT LOOK
9 LIKE, EXPLAINING THE MECHANICS OF HOW LEA'S WOULD
10 BE DEALING WITH OR COULD DEAL WITH LAND
11 APPLICATION ISSUES IN THEIR JURISDICTIONS AND HOW
12 THEY COULD INTERACT WITH DEPARTMENT OF FOOD AND
13 AGRICULTURE AND/OR COUNTY AGRICULTURAL
14 COMMISSIONERS.

15 LET ME EMPHASIZE THIS IS A DRAFT.
16 THIS IS PUT TOGETHER FAIRLY QUICKLY WITHIN THE
17 CONTEXT OF HOW ADVISORIES GENERALLY GET DONE AND
18 CONTAIN SOME INFORMATION BOTH IN TERMS OF
19 JURISDICTIONAL ISSUES, IN TERMS OF THE STATUTE,
20 AND THEN SOME MECHANICAL INFORMATION IN TERMS OF
21 THINGS THAT AN LEA CAN DO IF THEY ARE TRYING TO
22 DETERMINE WHETHER A LAND APPLICATION SITE IS
23 ACTUALLY A DISPOSAL SITE.

24 WE ARE STILL COORDINATING,
25 COMMUNICATING WITH DEPARTMENT OF FOOD AND

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1 AGRICULTURE TO FINALIZE SOME ISSUES. YOU
NOTICED,

2 IF YOU'VE HAD A CHANCE TO READ THIS, THAT WE
3 HAVEN'T CERTAINLY ANSWERED EVERY SINGLE QUESTION,
4 BUT WE'RE GETTING CLOSE, AND WE'RE ON A TIMING
5 TRACK TO TRY AND HAVE THIS FINALIZED SO THAT IT'S
6 FINALIZED AT THE SAME TIME THAT THESE REGULATIONS
7 ARE ULTIMATELY APPROVED BY OAL SO THAT THEY CAN
BE
8 DISTRIBUTED AT THE SAME TIME.

9 WE THOUGHT THERE WAS A CHANCE THAT
10 JOHN DYER, COUNSEL FOR THE DEPARTMENT OF FOOD AND
11 AGRICULTURE, WOULD BE ABLE TO MAKE IT HERE TODAY
12 IN CASE YOU HAD ANY ADDITIONAL QUESTIONS FOR HIM.
13 HE DID HAVE A LEGISLATIVE HEARING GOING ON TODAY,
14 AND APPARENTLY THAT'S ENDED UP TAKING A LITTLE
BIT
15 LONGER THAN HE THOUGHT IT WOULD.

16 BUT IF YOU HAD ANY QUESTIONS ABOUT
17 THE ADVISORY, I CAN CERTAINLY ANSWER THOSE. WE
18 SEEM TO BE GETTING FAIRLY FAR ALONG IN
19 COORDINATING WELL WITH CDFA IN TERMS OF TRYING TO
20 SET UP HOW WE'RE GOING TO DEAL WITH THESE
21 SITUATIONS ONCE THE REGULATIONS ARE ADOPTED.

22 CHAIRMAN PENNINGTON: OKAY. ANY

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23 QUESTIONS OF STAFF?

24 BOARD MEMBER FRAZEE: JUST ONE COMMENT

IF

25 I COULD. NOT TO BE NIT-PICKING HERE, BUT ON THE

1 BOTTOM OF PAGE 2, IF SO, LEA CAN PRESUME THAT THE
2 PRODUCT IS GENERALLY OKAY. ISN'T THERE BETTER
3 WORDS OF ART?

4 MS. RICE: THIS IS A VERY ROUGH DRAFT,
5 MR. FRAZEE. WE DID OUR BEST TO GET SOMETHING TO
6 THE BOARD MEETING. THIS WILL GO THROUGH
7 CONSIDERABLE REVIEW BOTH FROM CDFA. WE'D PROBABLY
8 LIKE A HANDFUL OF LEA'S TO LOOK AT IT, ADVISORS,
9 ETC. SO WE JUST WANTED TO GET THE IDEAS ON PAPER,
10 AND WE HAD AN INITIAL CURSORY REVIEW BY CDFA, BUT
11 THIS HAS GOT A WAYS TO GO TO, AS YOU SAY, MAKE IT
12 QUITE A BIT MORE PROFESSIONAL.

13 I THINK THERE'S PROBABLY MORE DETAIL
14 ON ENFORCEMENT AND WHAT EXACTLY CDFA WILL DO THAT
15 WE WOULD LIKE TO EXPLORE WITH THEM WHEN WE HAVE
16 THE TIME. AND WE WOULD BE VIEWING THIS AS JUST A
17 FIRST STEP, MEANING THE ADVISORY. WE'D WANT TO
18 OFFER TRAINING AND OUTREACH TO LEA'S SIMILAR TO
19 THE ODOR ISSUES YOU TALKED ABOUT EARLIER, PAUL,
20 WHERE THERE'S GOING TO BE A NEED FOR QUITE A BIT
21 OF NEED FOR EXCHANGE OF INFORMATION, AND THE
22 ADVISORY ITSELF WILL JUST SCRATCH THE SURFACE.

23 BOARD MEMBER RELIS: COULD I JUST PURSUE
24 THAT? IF WE WERE TO -- IN ADOPTING THIS TODAY,
25 WHAT WILL BE OUR PROCEDURE FOR STILL RESOLVING

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1 THESE ENFORCEMENT ISSUES? IS IT ALL THROUGH THE
2 LEA ADVISORY OR CLARIFY FOR ME.

3 MS. RICE: I THINK WE NEED CONSIDERABLE
4 MORE CONVERSATION WITH CDFA, WHICH COULD ASSIST IN
5 ADDING LANGUAGE TO THE ADVISORY. AND I THEN WOULD
6 SUGGEST WE SHOULD DO SOME TRAINING FOR LEA'S,
7 HOPEFULLY WITH CDFA STAFF THERE AND OTHER
8 INTERESTED PARTIES PERHAPS, BUT A JOINT EFFORT OF
9 SOME KIND.

10 BOARD MEMBER RELIS: BECAUSE I STILL
11 HAVE, AND I REALIZE THIS DISCUSSION IS INCOMPLETE,
12 BUT MAJOR CONCERNS OVER WHAT HAPPENS IF. AND
13 THOSE ARE -- THE QUESTIONS ARE RAISED, BUT, YOU
14 KNOW, VIS-A-VIS THE ISSUE OF, YES, THOSE ITEMS
15 THAT ARE LABELED, THOSE MATERIALS THAT ARE
16 LABELED, NO PROBLEM. THOSE MATERIALS THAT ARE
17 WOOD ASH, NO PROBLEM. BUT THERE'S STILL THAT BIG
18 UNKNOWN AREA WHICH WE HAVE EXPERIENCE IN THAT WE
19 KNOW THESE PROBLEMS OCCUR, AND I WANT TO HAVE
20 THAT

21 FIRM LINE OF DEMARCATION OF WHERE WE BEGIN AND
22 THEY END. AND WE DON'T HAVE THAT YET.

23 MS. RICE: I DON'T BELIEVE THAT WE HAVE
24 THAT TODAY.

25 MR. BLOCK: ONE OF THE THINGS THAT IS IN
26 THE ADVISORY, AND CERTAINLY I CAN COMMUNICATE TO

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1 YOU, SINCE JOHN ISN'T HERE TO DO IT HIMSELF, THAT
2 CDFA AGREES WITH THAT. ABOUT HALFWAY DOWN ON THE
3 THIRD PAGE, I HAVE MADE SOME BRIEF CITATIONS TO
4 THE ENFORCEMENT AUTHORITY THAT CDFA DOES HAVE TO
5 DEAL WITH THESE ISSUES. THERE'S A NUMBER OF
6 DIFFERENT TOOLS THAT THEY HAVE AND THAT THEY CAN
7 USE IF THERE'S ISSUES, IF THERE IS EITHER
8 NONCOMPLIANCE WITH THEIR REQUIREMENTS OR THE LIKE.
9 AND I CAN CERTAINLY CONFIRM FOR YOU THAT THEY DO
10 HAVE THE AUTHORITY TO DEAL WITH THESE ISSUES.

11 WHERE EXACTLY THE DIVIDING LINE IS
12 GOING TO END UP PERHAPS ENDS UP TAKING A LITTLE
13 MORE ITERATIONS JUST LIKE THE ADVISORY THAT WE DO
14 WITH THE AIR BOARD ON ODOR BECAUSE IT'S MUCH MORE
15 PERHAPS OF A PRACTICAL ISSUE AS TO WHAT'S THE BEST
16 WAY TO COORDINATE HANDLING THOSE ISSUES. BUT TO
17 THE EXTENT THAT YOU MAY HAVE A CONCERN ABOUT
18 WHETHER OR NOT CDFA CAN DEAL WITH THESE THINGS,
19 THEY CERTAINLY HAVE THE AUTHORITY TO DO SO.

20 BOARD MEMBER RELIS: OKAY. WHAT WOULD
21 BE -- LET'S JUST SUPPOSE, AND I HAVE NO REASON TO
22 BELIEVE THIS WOULD HAPPEN, BUT WE HAVE SOME
23 IMPORTANT COMMUNICATIONS TO -- THAT NEED TO
24 CONTINUE. THEY NEED TO GET EVER MORE SPECIFIC.
25 AND WHAT IF, I DON'T KNOW, SIX MONTHS FROM NOW WE

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1 HAVE NOT CONCLUDED THESE MATTERS AND THE LEA'S ARE
2 IN LIMBO ON SOME OF THESE POINTS THAT ARE RAISED
3 HERE, WHAT WOULD BE OUR OPTION AT THAT TIME?

4 MS. RICE: YOU MEAN IF WE'RE UNABLE TO
5 REACH RESOLUTION WITH CDFA?

6 BOARD MEMBER RELIS: YES.

7 MS. RICE: I ASSUME, YOU KNOW, I WOULD
8 COME TO RALPH OR THE CHAIRMAN AND SEEK ASSISTANCE
9 IN ELEVATING THE DISCUSSIONS IF THERE WASN'T AN
10 EFFORT ON BOTH PARTS TO COME TOGETHER AND RESOLVE
11 THESE ISSUES. SURELY AT A MINIMUM WE CAN RAISE
12 THE ISSUES; AND IF WE AS STAFF ARE NOT ABLE BOTH
13 HERE AND AT CDFA TO ADDRESS THEM, WE CAN BRING
14 ISSUES BACK TO MR. FRAZEE'S COMMITTEE FOR
15 DISCUSSION IF THEY RISE TO THAT LEVEL. I DON'T
16 THINK ELLIOT OR I HAVE ANY REASON TO BELIEVE AT
17 THIS POINT THAT WE WILL BE UNABLE TO RESOLVE
THOSE
18 ISSUES.

19 BOARD MEMBER RELIS: TO GET TO THE
20 SPECIFICS.

21 MS. RICE: RIGHT. WE DON'T FEEL THAT
22 BARRIER YET. IF WE DID, WE WOULD CERTAINLY COME
23 TO YOU AND ASK FOR HELP GETTING PAST THAT
BARRIER,
24 WHETHER IT WAS A DECISION THAT NEEDED TO BE MADE

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25 OR SIMPLY ELEVATING ATTENTION ON THE ISSUE. BUT
I

1 DON'T FEEL THAT WE'RE THERE AT THIS POINT. WE'RE
2 GETTING COOPERATION. THEY DID REVIEW THIS
3 DOCUMENT FOR US AND GAVE MANY GOOD SUGGESTIONS.
4 AND WE FEEL WE'RE ON A PATH TO GETTING SOME
5 ANSWERS. I BELIEVE THAT'S TRUE, ELLIOT.

6 MR. BLOCK: I WOULD CONCUR WITH THAT. I
7 DON'T HAVE ANYTHING TO ADD. I THINK DOROTHY IS
8 CORRECT.

9 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
10 WISH I HAD A COMFORT LEVEL WITH ON THE PATH TO
11 GETTING SOME ANSWERS. TO ME, THIS REGULATION
12 PACKAGE SEEMS TO HAVE ATTEMPTED TO ADDRESS A RANGE
13 OF ASH AND DISPOSAL USE PRACTICES WHICH BY IN
14 LARGE I THINK THEY WOULD BRING MANY OF THE
15 DISPOSAL AND STORAGE ACTIVITIES INTO A REGULATORY
16 STRUCTURE. SO FOR THE VAST MAJORITY OF ASH
17 ACTIVITIES, I THINK IT'S SATISFACTORY.

18 THE PROBLEM WITH THESE REGULATIONS
19 CONTINUES TO BE THE LAND APPLICATION QUESTION AND
20 WHEN IT BECOMES DISPOSAL RATHER THAN A BENEFICIAL
21 USE. AND I HAVE NOT GOTTEN THE KIND OF FORTH-
22 COMING, FIRM COMMITMENT FROM CDFA THAT GIVES ME
23 THE COMFORT LEVEL THAT THEY REALLY HAVE A LOT OF
24 INTEREST IN IT. AND THIS DRAFT ADVISORY IS
25 CERTAINLY HOPEFUL AND A STEP IN THE RIGHT

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1 DIRECTION; BUT, AGAIN, IT SEEMS PREMATURE TO ME TO
2 BE TAKING THE REGULATORY STEP WITHOUT ASSURANCES
3 ABOUT HOW WE'RE GOING TO DEAL WITH THAT ISSUE.

4 THE QUESTIONS THAT I'VE RAISED THAT
5 I DON'T THINK CDFA HAS ADEQUATELY RESPONDED TO OR
6 ARE ADEQUATELY RESOLVED ON ANY LEVEL AT THIS POINT
7 IS THEY'VE BEEN AROUND FOR SOME TIME NOW. HOW
8 WILL CDFA REGULATE THE ASH MATERIAL AND WHEN WILL
9 IT BECOME A SOLID WASTE DISPOSAL ISSUE? HAS CDFA
10 ESTABLISHED SPECIFIC STANDARDS FOR APPLICATION
11 ABOVE WHICH IT IS NOT A BENEFICIAL USE? DOES THE
12 LABELING REQUIREMENT OF CDFA APPLY TO ALL ASH
13 MATERIALS? DOES THE CDFA LABELING SPECIFICALLY
14 APPLY TO BULK SOIL AMENDMENTS AND NOT JUST
15 FERTILIZER? AND IN THE CASE OF BULK SOIL
16 AMENDMENTS, WHO WOULD BE RESPONSIBLE FOR HAVING A
17 VALID LABEL? IF THE MATERIAL IS APPROVED BY CDFA,
18 HOW WOULD AN LEA VERIFY THIS?

19 I THINK REGULATIONS ARE NEEDED TO
20 DEAL WITH THE LEAST SCRUPULOUS PARTIES. IF
21 EVERYBODY WERE LIKE WHEELABRATOR AND SOME OF THE
22 OTHER OPERATORS THAT WE'VE HEARD THAT HAVE COME
23 BEFORE US, WE WOULDN'T -- THERE WOULDN'T BE ANY
24 NEED FOR REGULATIONS. UNFORTUNATELY I DO THINK
25 THAT THE SPECTER OF, YOU KNOW, SHADY ACRES OR

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1 WHATEVER YOU WANT TO CALL IT, THE PERSON THAT
GOES
2 OVER THE LINE OR THE BUSINESS THAT GOES OVER THE
3 LINE AND IS ACTUALLY DISPOSING OF SOLID WASTE,
4 THAT NEEDS TO BE DEALT WITH. IT'S NOT A
5 REFLECTION OF THE VAST MAJORITY OF THE ASH
6 RECYCLING THAT'S GOING ON IN THE STATE, BUT THE
7 LINE NEEDS TO BE DEFINED.

8 THE REGULATIONS RELY ON A FUZZY
LINE
9 OF CDFA REGULATION THAT WILL BE VERY DIFFICULT TO
10 ENFORCE EVEN WHEN THERE'S A CLEAR VIOLATION.

IT'S
11 STILL UNCLEAR WHO WILL HAVE RESPONSIBILITY UNDER
12 THE ACT. AND I THINK THE LEA'S NEED AN
13 ENFORCEABLE STANDARD.

14 THE SAN JOAQUIN COUNTY LEA HAS
15 SUPPORTED SOME SPECIFICS THAT WOULD, I THINK,
HELP

16 TO ACHIEVE THAT. AND I WISH WE WERE FARTHER
ALONG
17 IN THE ENFORCEMENT ADVISORY OR THAT WE HAD SOME
18 STEPS TO ESTABLISH EITHER AT CDFA OR IN OUR
19 REGULATORY STRUCTURE SOMETHING THAT WOULD MORE
20 CLEARLY DEFINE THOSE RULES AND RELATIONSHIPS AND

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21 WHAT-IFS THAT I DON'T HAVE A COMFORT WE HAVE YET.

22 CHAIRMAN PENNINGTON: MR. FRAZEE.

23 BOARD MEMBER FRAZEE: IT SEEMS TO ME

THAT

24 WE COULD TAKE ON THE PROBLEMS OF THE WORLD ON

THIS

25 ISSUE AND A NUMBER OF OTHER ISSUES. IT'S LIKE

THE

1 PERMIT THAT WE DEALT WITH TODAY THAT HAD WATER
2 BOARD ISSUES IN IT. AND WE ARE CHARGED UNDER THE
3 STATUTE OF DOING WHAT WE'RE CHARGED WITH DOING,
4 AND I THINK IT'S PRETTY CLEAR IN THIS INSTANCE
5 THAT CDFA HAS JURISDICTION OVER THE LAND
6 APPLICATION, THE AGRICULTURAL USE, AND THAT'S GOOD
7 ENOUGH FOR ME.

8 THAT'S OFF OF OUR PLATE. AND WE
9 HAVE ENOUGH TO WORRY ABOUT WITHOUT WORRYING ABOUT
10 WHAT OTHER AGENCIES ARE GOING TO BE DOING IN THEIR
11 REGULATORY PACKAGES OR TRYING TO DIRECT THEM IN
12 HOW THEY'RE GOING TO HANDLE THEIR REGULATORY
13 CHARGES UNDER STATUTE. SO I'M PERFECTLY SATISFIED
14 WITH WHERE WE ARE HERE.

15 I THINK WE'VE MADE SOME GIANT
16 STRIDES, STARTING FROM THE POINT OF US BEING IN
17 THE BUSINESS OF REGULATING AGRICULTURAL
18 APPLICATION AND THE INITIAL DRAFTS OF THESE
19 REGULATIONS. SO I THINK WE'RE AT AN APPROPRIATE
20 POINT TO MOVE AHEAD. AND IF CDFA DOESN'T WANT TO
21 DO SOMETHING, WELL, THAT'S NOT OUR RESPONSIBILITY
22 AND NOT OUR CONSIDERATION.

23 BOARD MEMBER RELIS: MR. CHAIR.

24 CHAIRMAN PENNINGTON: YES, MR. RELIS.

25 BOARD MEMBER RELIS: WHILE I FAVOR MOVING

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1 THESE FORWARD, I DO CONTINUE TO HAVE CONCERNS
2 WHICH I'VE RAISED. ONE WOULD BE, FOR INSTANCE,
3 UNDER YOUR PROPOSED -- UNDER ELLIOT'S MEMO PAGE --
4 NO PAGE, BUT PAGE 3, THERE'S A STATEMENT ON --
5 UNDER WHAT SHOULD AN LEA EXPECT TO OCCUR AFTER A
6 REFERRAL IS MADE. THERE'S A STATEMENT APPARENTLY
7 IN YOUR DISCUSSIONS. IN MOST CASES CDFA AND THE
8 COUNTY AGRICULTURAL COMMISSIONER WILL BE
9 CONDUCTING A CASE-BY-CASE REVIEW OF THE REFERRAL.

10 IT WOULD BE HELPFUL TO KNOW THE
11 CRITERIA. HOW ARE THEY GOING TO HANDLE A CASE BY
12 CASE? THAT'S THEIR BUSINESS, BUT WE NEED TO
13 UNDERSTAND THAT, I THINK, AS PART OF AN LEA
14 ADVISORY SO THAT IT'S CLEARLY COMMUNICATED IF THIS
15 HAPPENS, THEN THE FOLLOWING.

16 AND I WOULD RESERVE MY POSITION TO
17 SAY THAT IF SIX MONTHS FROM NOW AND NO LATER, AT
18 THAT POINT IF WE DON'T HAVE THE SPECIFICS NAILED
19 DOWN THAT LEA'S CAN OPERATE WITH EFFECTIVELY, THEN
20 I THINK I WOULD WANT TO REVISIT THIS MATTER.

21 MS. RICE: I WOULD THINK WE WOULD WANT TO
22 DO SO EVEN SOONER. WHILE WE ARE BRINGING FORWARD
23 THE REGULATIONS AND ACKNOWLEDGING THE SEPARATION
24 OF AUTHORITY AND THAT THESE REGULATIONS HAVE A
25 MUCH MORE LIMITED SCOPE, THE ISSUES OF WHAT TO
DO

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1 ABOUT LAND APPLICATION AND HOW TO APPROPRIATELY
2 ADVISE LEA'S ARE VERY SIGNIFICANT FOR US IN THE
3 DIVISION. WE GET THESE PHONE CALLS DAILY FROM
4 LEA'S WHO NEED AN ANSWER. SO THAT WILL CONTINUE
5 TO BE A PRIORITY OF US OF A DIFFERENT KIND. WE
6 JUST VIEW IT AS NOT ONE THAT WILL BE HANDLED
7 THROUGH THE REGULATORY PACKAGE, BUT THROUGH
8 GUIDANCE THAT WE WILL PROVIDE IN WORKING
9 COOPERATIVELY WITH CDFA AND OTHERS.

10 BOARD MEMBER RELIS: BECAUSE I HEARD WE
11 JUST RECEIVED -- I HAVE NOT SEEN IT YET. I'VE
12 ASKED FOR IT, BUT I'VE NOT SEEN THE COMMUNIQUE
13 FROM ONE OF OUR LEA'S ASKING FOR THIS VERY
14 CLARIFICATION FROM CDFA. I BELIEVE, HAVING NOT
15 SEEN IT, ONLY HEARD ABOUT IT, I'M OBVIOUSLY

GOING

16 ON THIRD PARTY.

17 MS. RICE: I HAD NOT SEEN ONE ON ASH,

BUT

18 I HAD SEEN ONE ON WHAT NEWSPAPER --

19 BOARD MEMBER RELIS: CARDBOARD.

20 MS. RICE: CARDBOARD PULP. YES, THERE

21 ARE A LOT OF QUESTIONS THAT LEA'S HAVE ABOUT

22 WASTE-DERIVED MATERIAL APPLIED TO LAND. AND

WE'RE

23 ANTICIPATING A MAJOR EFFORT OVER THE NEXT COUPLE

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24 OF MONTHS TO FIND A WAY TO WORK COOPERATIVELY
WITH
25 CDFA TO GET THESE ANSWERS. IT WON'T BE IN A

1 REGULATORY MODE BECAUSE WE RECOGNIZE THE LACK OF
2 JURISDICTION, BUT WE NEED TO PROVIDE THE HELP.

3 CHAIRMAN PENNINGTON: ANY FURTHER
4 DISCUSSION?

5 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
6 JUST WANT TO CLARIFY. I'M NOT AGAINST AGRICUL-
7 TURAL OR SOME AGRICULTURAL USE OF ASH. I THINK
8 IT'S GREAT. IT'S HAPPENING ALL OVER THE STATE.
9 IT'S HAPPENING IN MY HOME COUNTY IN THE TIMBER
10 INDUSTRY. IT'S HAPPENING. I THINK IT'S
11 BENEFICIAL. IT'S BEEN DEMONSTRATED TO BE
12 BENEFICIAL. I'M NOT INTERESTED IN US INTERFERING
13 IN THAT IN ANY WAY. I'M JUST INTERESTED IN US
14 CLARIFYING WHO HAS THE AUTHORITY WHEN IT'S NOT A
15 BENEFICIAL USE AND THERE'S A PROBLEM. THAT'S ALL
16 THAT I'M CONCERNED ABOUT. IT'S NOT A GENERAL
17 ISSUE AT ALL.

18 CHAIRMAN PENNINGTON: OKAY. I THINK
THIS
19 ONE NEEDS TWO RESOLUTIONS.

20 BOARD MEMBER FRAZEE: MR. CHAIRMAN, I'LL
21 MOVE ADOPTION OF NEGATIVE DECLARATION FOR THE
22 ADOPTION OF THE PROPOSED NONHAZARDOUS ASH
23 OPERATIONS AND FACILITY REGULATORY REQUIREMENTS.

24 BOARD MEMBER JONES: I'LL SECOND.
25 BOARD MEMBER FRAZEE: RESOLUTION 97-179.

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1 CHAIRMAN PENNINGTON: MR. JONES SECONDS.
2 IF THERE'S NO FURTHER DISCUSSION, WILL THE
3 SECRETARY CALL THE ROLL.
4 BOARD SECRETARY: BOARD MEMBER CHESBRO.
5 BOARD MEMBER CHESBRO: NO.
6 BOARD SECRETARY: FRAZEE.
7 BOARD MEMBER FRAZEE: AYE.
8 BOARD SECRETARY: GOTCH.
9 BOARD MEMBER GOTCH: NO.
10 BOARD SECRETARY: JONES.
11 BOARD MEMBER JONES: AYE.
12 BOARD SECRETARY: RELIS.
13 BOARD MEMBER RELIS: AYE.
14 BOARD SECRETARY: CHAIRMAN PENNINGTON.
15 CHAIRMAN PENNINGTON: AYE. MOTION
16 PASSED.
17 BOARD MEMBER FRAZEE: AND THEN I'D MOVE
18 ADOPTION OF RESOLUTION 97-180, THE REGULATIONS
19 THEMSELVES.
20 CHAIRMAN PENNINGTON: I
21 WILL SECOND THAT.
22 IT'S BEEN MOVED AND SECONDED. IF
23 THERE'S NO
24 FURTHER DISCUSSION, WILL THE
25 SECRETARY CALL THE
26 ROLL.

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24

BOARD SECRETARY: BOARD

MEMBER CHESBRO.

25

BOARD MEMBER CHESBRO: NO.

1 BOARD SECRETARY: FRAZEE.
2 BOARD MEMBER FRAZEE: AYE.
3 BOARD SECRETARY: GOTCH.
4 BOARD MEMBER GOTCH: NO.
5 BOARD SECRETARY: JONES.
6 BOARD MEMBER JONES: YES.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: AYE.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: AYE. MOTION
11 CARRIES.
12 MOVE NOW TO ITEM TO NO. 44, WHICH IS
13 THE CONSIDERATION OF A NEW MAJOR WASTE TIRE
14 FACILITY PERMIT FOR THE MODESTO ENERGY LIMITED
15 PARTNERSHIP IN STANISLAUS COUNTY. I THINK MR.
16 CHANDLER WILL BRING US UP-TO-DATE A LITTLE BIT
ON
17 THAT.
18 MR. CHANDLER: THANK YOU, MR.
CHAIRMAN.
19 YES, BOARD MEMBERS. AS THE ITEM IN YOUR PACKET
20 INDICATES, AT THE APRIL BOARD MEETING, YOU
21 DIRECTED ME TO EXTEND THE REMEDIAL ORDER 60
DAYS
22 AND TO CONTINUE NEGOTIATIONS WITH BOTH PARTIES,
23 MODESTO ENERGY LIMITED AND OXFORD TIRE

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RECYCLING.

24

THOSE NEGOTIATIONS ARE STILL

UNDER

25

WAY. I DON'T FEEL THAT THE APPLICATION AT THIS

1 TIME IS READY FOR YOUR REVIEW. SO I'D ONLY ASK
2 THAT WE EXTEND CONSIDERATION OF THIS PERMIT
3 APPLICATION INTO FUTURE BOARD MEETINGS. THE
4 180-DAY CLOCK DOES NOT COME FORWARD UNTIL
5 SEPTEMBER, SO WE HAVE A NUMBER OF BOARD MEETINGS
6 AHEAD IN WHICH WE POTENTIALLY COULD TAKE UP THIS
7 PERMIT APPLICATION. AS I HAVE INDIVIDUALLY, I
8 WILL KEEP YOU APPRISED OF THE STATUS OF THOSE
9 NEGOTIATIONS.

10 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
11 MR. CHANDLER? UNLESS WE NEED TO VOTE, I THINK
12 IT'S FINE FOR US.

13 MR. CHANDLER: I'M NOT RECOMMENDING ANY
14 ACTION.

15 CHAIRMAN PENNINGTON: WE'LL TAKE IT UP
16 AGAIN IN THE JUNE MEETING.

17 THAT CONCLUDES THIS PORTION OF THE
18 INTEGRATED WASTE MANAGEMENT BOARD MEETING. WE
19 WILL RECESS INTO A CLOSED SESSION TO TALK ABOUT
20 PENDING LEGISLATION AND POSSIBLE LEGISLATION.

21 MR. CHANDLER: NOT
LEGISLATION,

22 LITIGATION.

23 CHAIRMAN
PENNINGTON: LITIGATION. SORRY

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24 ABOUT THAT.
25 (END OF
PROCEEDINGS AT 3:35 P.M.)

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